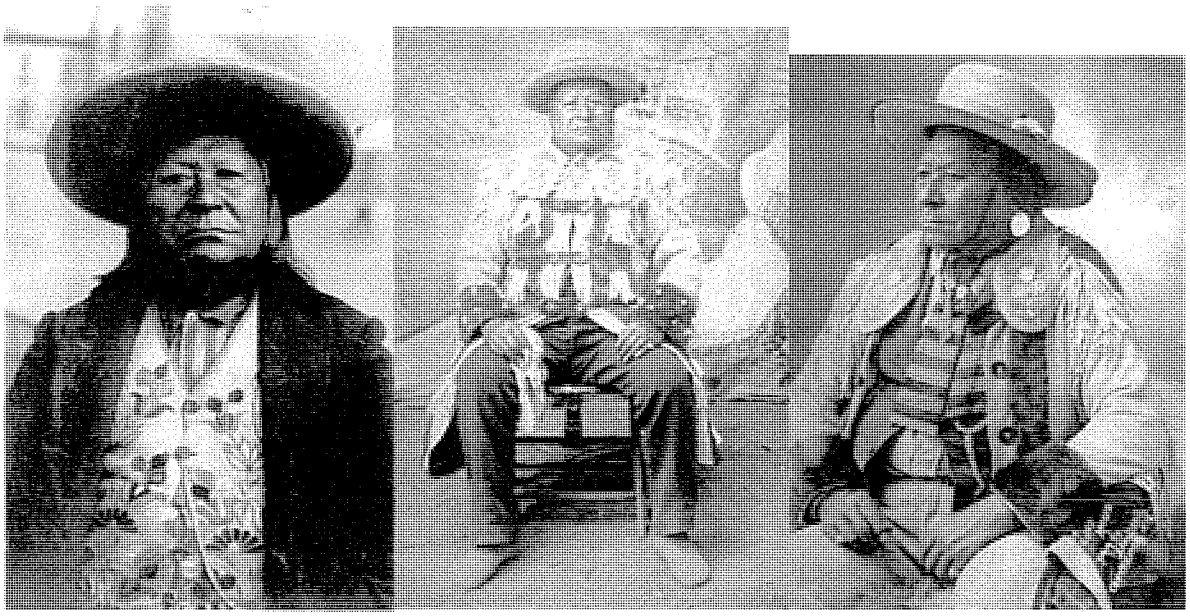
The Moses Allotments: Their Origin, History and Present Status

By John V. Peters

2023 (Revised edition)



Chief Moses

Chief Moses, in Washington D.C. in July of 1883

Revised Edition Notes

As part of this revised edition, I have tried to improve the flow and intelligibility of the text and documents.

I have sought to catch spelling errors and language misconstructions.

I have sought to impose consistency in treating quotations from the writings of others by separating longer quotations from my text and putting the quotations into italics. For shorter quotations I use quotation marks.

When I insert my own comments or corrections inside of the quotations from others, I place my comments inside brackets.

I have added details of dates in cases where this will help the reader follow the story without confusion or ambiguity.

I have sometimes replaced pronouns with names to improve clarity.

I have made corrections and added new information when discussing the status of MA-8 and MA-10.

A one-page document on MA-40 and pages 40-47 of the Moses allotments essay were out of order; this has been corrected.

I have added the complete voting record of all groups who were eligible for Indian Reorganization Act (IRA) benefits.

About the Author

John V. Peters was born in Wenatchee in 1943 and grew up in Manson. He has a bachelor's degree in economics from Grove City College, PA and has taken some master's degree classes in history from Seattle University. He spent two years in the Army (8th Special Forces Group, Ft. Gulick, Panama), worked two years for Old National Bank in Pasco and Kennewick, WA, six years in the budget office of the Seattle School District and 20 years in the finance department of the Boeing Company in Seattle. Since returning to Manson, he has done extensive research into the Wapato Indians and the Moses allotments.

TABLE OF CONTENTS

- Cover page
- Photo of Chief Moses in Washington D. C. (1883)
- Revised Edition Notes
- About the Author
- MOSES ALLOTMENTS ESSAY first published in 2019 History Notes by the Lake Chelan Historical Society. I have added many photos and maps and have edited the writing somewhat. I have also interspersed documents such as Executive Orders, Acts of Congress, and Orders of the Secretary of the Interior where appropriate.
- COLUMBA RESERVATION AND MOSES ALLOTMENTS. DOCUMENTS included are the Moses Agreement signed July 7, 1883; the Act of Congress of July 4, 1884 ratifying the Moses Agreement, ordering that allotments be made, and ordering that the remainder of the Columbia Reservation be returned to the public domain and offered to homesteaders; the Acts of Congress that established, expanded, and then reduced the size of the Columbia

Reservation; and the Executive Order that established the Moses allotments with thirty-seven named allottees along with survey details of each allotment.

- TRUST STATUS ESSAY on the Moses allotments.

- OVERVIEW OF INDIAN LAND ACQUISITION under U.S. laws along with copies of the laws themselves.

- PRESIDENTIAL AUTHORITY OVER TRUST PERIODS provided by two Acts of Congress relating to the extension of the trust or alienation restriction period of Indian lands, along with copies of the laws themselves.

- MOSES ALLOTMENT TRUST HISTORY.
  Included are the three Executive Orders extending the Moses allotment trust period to March 8, 1946, that were listed opposite the Chief Moses Band on the 1957 Trust document maintained by the Interior Department. The official title of this document is Appendix—Extension of the Trust or Restricted Status of Certain Indian Lands. This appendix is located in Title 25: Indians of the Code of Federal Regulations (CFR) of the United States.

The 1957 Trust document is included. It does not say anything about the Indian Reorganization Act.

The 2012 version of the Trust document is also included, which shows only two Executive Orders extending the Moses allotment trust period with trust ending on March 8, 1936. This version of the Trust document contains notes addressing the Indian Reorganization Act of 1934 and its amendment of 1935. These notes were argued over by attorneys involved in the Federal court case in Spokane.

- MY 2012 ESSAY "The Columbia Reservation and the Moses Allotments" (April 2012) which I provided to all attorneys involved in the Federal court case in which trust status was being discussed.

- INDIAN LANDS ON THE PUBLIC DOMAIN. Executive Orders extending the trust period for Indian lands on the Public Domain. These orders covered lands taken under the Indian Homestead Acts of 1875 and 1884 and the General Allotment Act of 1887. The Bureau of Indian Affairs told the court that the final Public Domain Executive order, number 3365 of 1920, applied to the Moses allotments. The court effectively rejected this BIA contention.

- THE INDIAN REORGANIZATION ACT. Documents relating to the Indian Reorganization Act of 1934. The court ultimately ruled that the I.R.A. applies to the Moses allotments but that they have properly not received the agricultural, legal, economic, educational and employment benefits provided under the I.R.A. I address all this in my 2023 essay on TRUST STATUS.

  Documents included are the 1934 I.R.A. law, the 1935 amendment to this law, Executive Order 7464 extending trust periods affected by the 1935 amendment, and the complete section "Action on Tribes on Indian Reorganization Act" from the 1947 report Ten Years of Tribal Government Under I.R.A. by Theodore H. Haas, Chief Counsel of the United States Indian Service. These pages show that the Chief Moses Band was not included in the scope of the Indian Reorganization Act and did not vote on it. The Ten Years document also shows that any group of Indians who were eligible under the I.R.A. but who did not vote on whether to accept it were automatically given the benefits of the I.R.A. Ten groups fell into this category. Only groups where 30% or more of qualified voters actually voted "NO" on the I.R.A. were excluded from its benefits. One group, the Walker River group in Nevada, failed to meet this 30% of eligible voters threshold, with 41 "No" votes and 37 "Yes" votes, and was automatically given the benefits of the I.R.A. even though the majority of voters voted "No".

Moses Allotments (Revised edition 2023)

By John V. Peters

Before the Moses Allotments

The Moses allotments came about as part of the dissolution of the massive Columbia Indian reservation in what is now central Washington state. Three individuals played powerful roles in shaping Indian outcomes in this territory in the 1870s and the 1880s: Chief Moses, General Howard and General Miles. Chief Moses of the Columbia tribe was a large, powerful man with an outsized personality and considerable political acumen. General Oliver Otis Howard was the United States Army commandant of the Department of the Columbia from 1874 to 1881, and General Nelson A. Miles was the U.S. Army commandant, Department of the Columbia, in the years 1881 to 1885. These generals were responsible for U.S. government interests in the Columbia territory.

United States government policy sought to regularize American Indian habitation in order to allow U.S. property law to be applied to the land and to allow U.S. citizens to enter, mine and settle in the area. The principal method used to achieve this end was to set up Indian reservation lands and encourage or coerce Indians to move onto these reservations.

General Howard encouraged Chief Moses to move to a reservation along with is people. Chief Moses resisted. He did not want to move onto a reservation at all but he was willing to

Chief Moses

General Oliver Otis Howard

General Nelson A. Miles

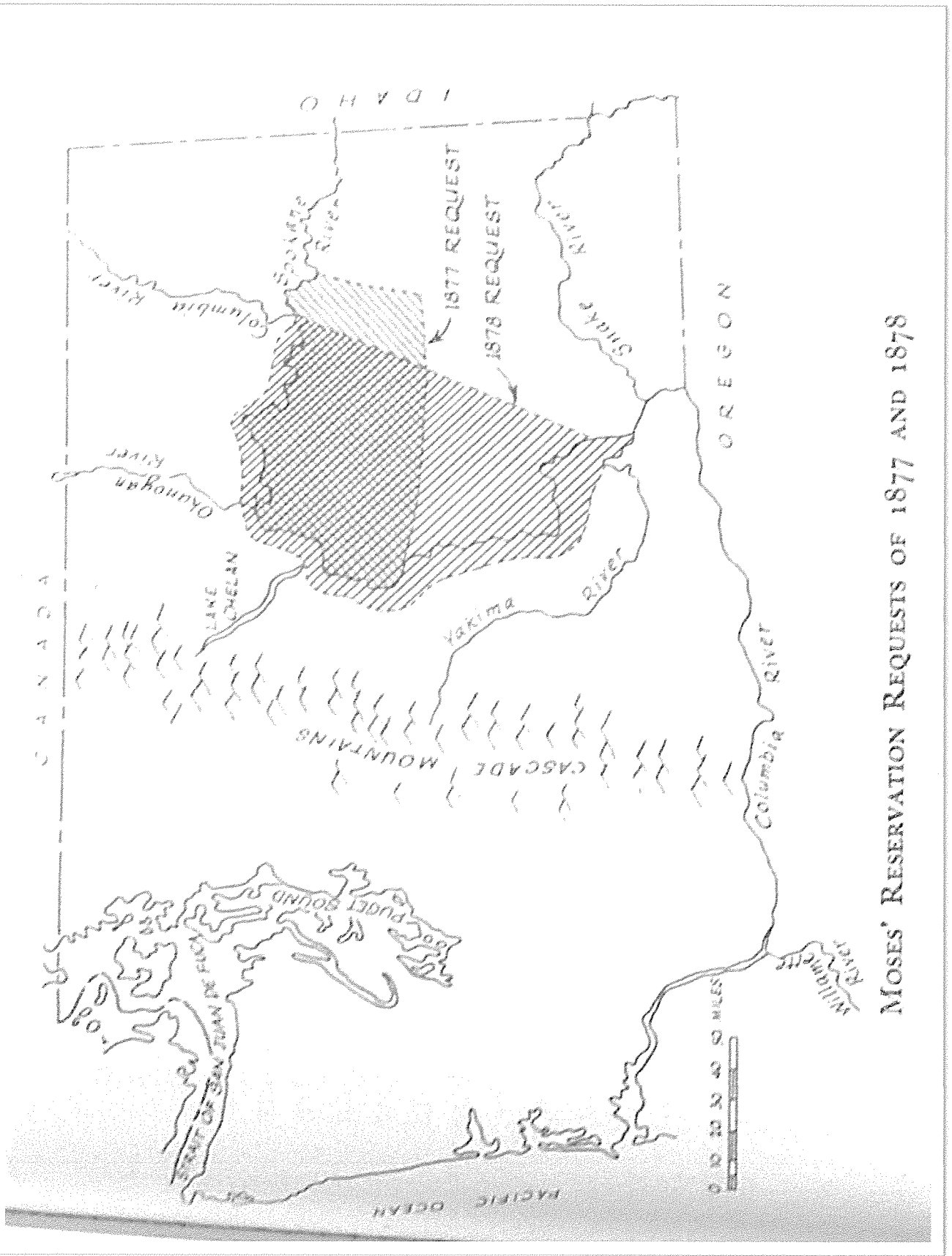
live on a reservation that incorporated his homeland and on which he held the primary position. He wanted his own reservation. He made two proposals to General Howard, both of which were to include his homeland, as the map shows.

In early 1979 Chief Moses was being held captive at Fort Simcoe on the Yakima reservation. He was being held after being arrested by the Army as responsible for inciting Indian actions that led to the death of Mr. and Mrs. Lorenzo Perkins in 1878. Some civilians were calling for the hanging of Chief Moses. It was a tense time in Indian-white relations.

To further this policy of confining Indians to reservations, General Howard and officials in the Interior Department in Washington D. C. developed a plan.

Chief Moses was highly influential with other tribes, as was his father before him. General Howard had gotten to know Chief Moses well and held him in high regard as a man of wide influence. Chief Moses had given General Howard reason to believe that he and his people would move onto a reservation if a new one was established in north central Washington territory south of the Colville reservation where he and his people lived.

General Howard wanted Chief Moses to lead a delegation to Washington D. C. to negotiate the establishment of a new reservation, intended to clear Indians from the public domain and eliminate Indian conflicts with non-Indians.

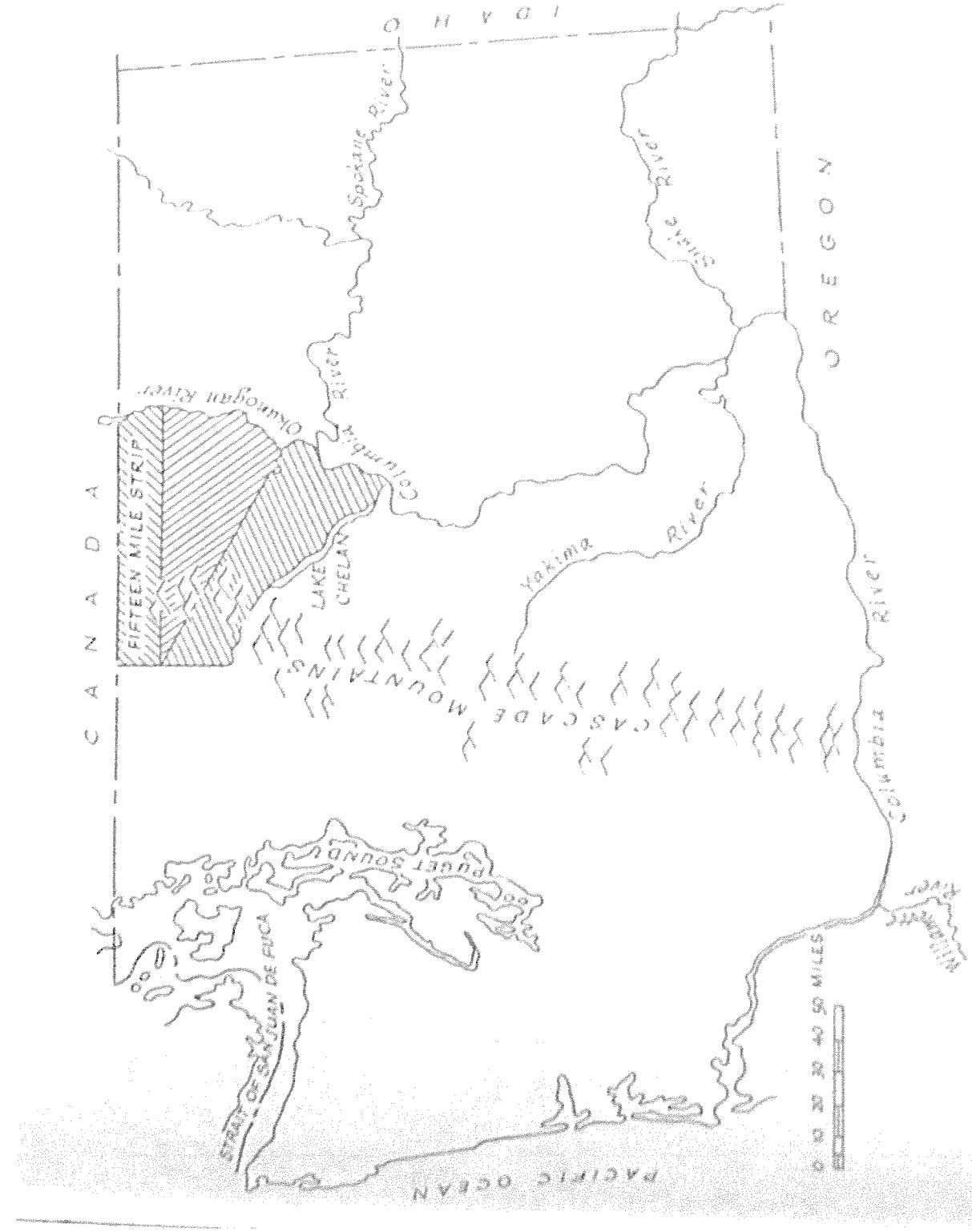


MOSES' RESERVATION REQUESTS OF 1877 AND 1878

General Howard released Chief Moses from confinement and convinced him to lead a delegation to Washington D. C. to discuss a new reservation. Chief Moses was wary but agreed. Chief Moses feared that he, like Chief Joseph before him, would be forcibly sent to live in the Oklahoma Territory.

This Indian delegation consisted of the influential Chief Moses of the Columbia tribe, Young Chief of the Walla Wallas, Chief Hiachenie of the Cayuses, Chiefs Umapine and Wenamsnoot of the Umatilla tribe and Moses' nephew and presumed successor Chillileetsah. They first went to Fort Vancouver, then to Portland where they boarded the ship Elder and traveled to San Francisco. They traveled from there by train and spent two weeks in Washington D. C., meeting with many officials and lawmakers. Moses and the other chiefs met with President Rutherford B. Hayes at the end of the negotiations in the library of the White House and shook hands.

This led to the establishment in April 1879 of the vast Columbia reservation, ultimately consisting of three million acres at its maximum. This new reservation was located west of the Colville reservation rather than to the south in Moses' traditional territory. Moses agreed in the memorandum he signed on April 8, 1879, to move with his people onto the Columbia reservation, something he never did. He had not received a reservation that incorporated his own homeland. Moses continued to be a free spirit, roaming wherever he wished and moving around a lot, but his home was on the



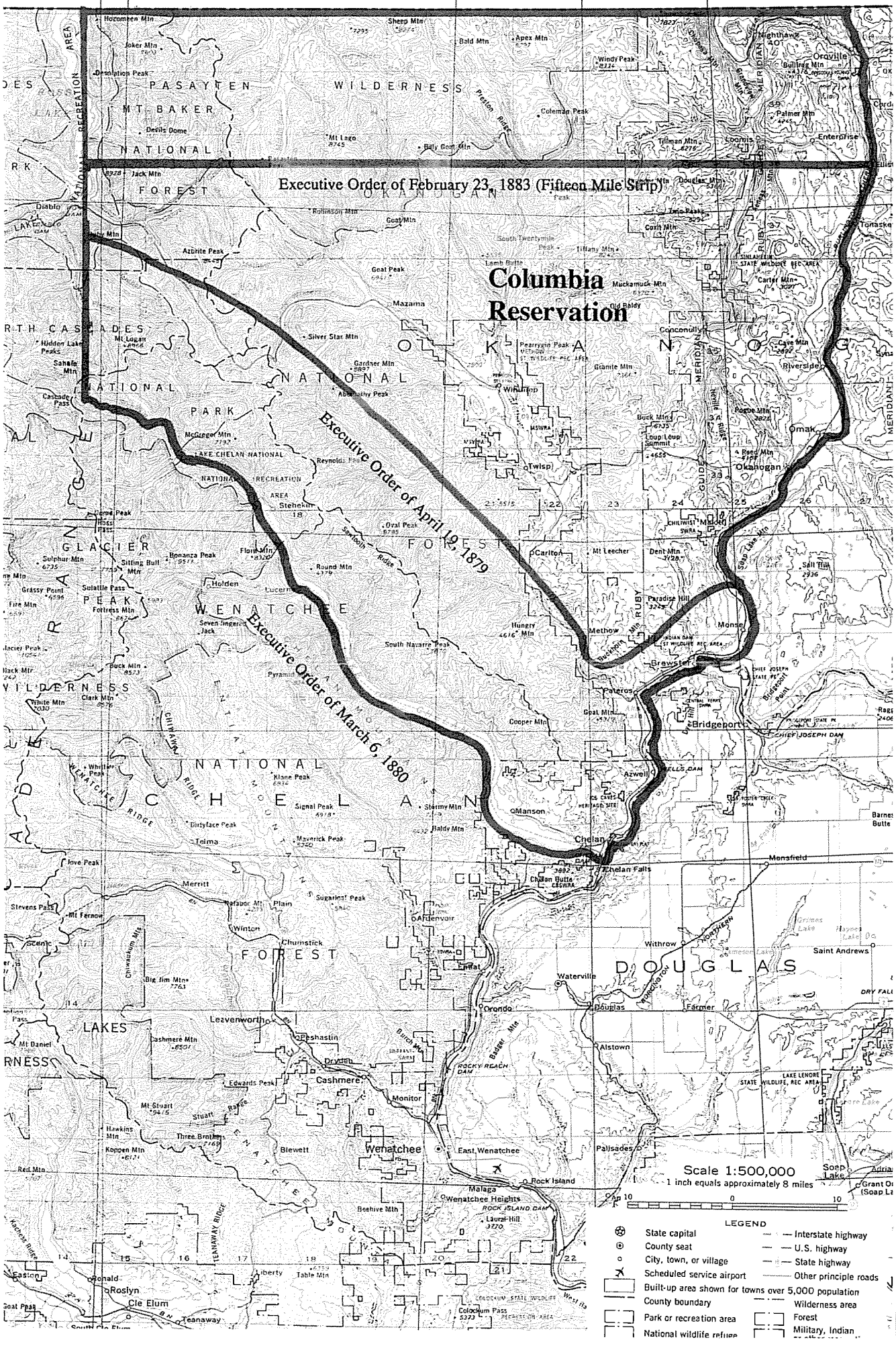
MOSES (COLUMBIA) RESERVATION BY EXECUTIVE ORDERS OF APRIL 19, 1879, AND MARCH 6, 1880

Colville reservation, to the consternation of the Indian chiefs already established there. In 1885 Chief Moses was joined on the Colville reservation by Chief Joseph and some of his people, who were transferred from the Oklahoma Territory, and the two chiefs were often seen together. Chief Joseph made trips to Washington D. C. in 1897 and 1903 pleading the Indians case for justice and equality.

In March 1880 the size of the Columbia reservation was expanded to include the north shore of Lake Chelan and then on February 23, 1883 shrunk again when a 15-mile-deep swath of the reservation was chopped off the top and returned to the public domain, at the urging of mining interests. Indians living on this 15-mile deep swath suddenly found white people intruding on their traditional lands, land they thought was part of the Columbia reservation. This sparked outrage among the affected Indians and threatened physical violence.

On April 4, 1883, General Miles, now in charge of the Washington Territory, telegraphed the War Department suggesting that new negotiations be held with Chief Moses and others in Washington, D.C., to resolve these problems.

On April 7, 1883, the War Department sent General Miles' proposal to the U.S. Interior Department with a favorable recommendation. Since Chief Moses and his people hadn't moved on to the Columbia reservation, the thinking in the Interior Department centered on ending the sparsely populated Columbia reservation and sending all remaining Indians in the


Executive Order of February 23, 1883 (Fifteen Mile Strip)
Columbia Reservation
Executive Order of April 19, 1879
Executive Order of March 6, 1880
PASAYTEN WILDERNESS
MT BAKER NATIONAL FOREST
OKANOGAN FOREST
NORTH CASCADES NATIONAL PARK
LAKE CHELAN NATIONAL RECREATION AREA
GLACIER PEAK WILDERNESS
WENATCHEE NATIONAL FOREST
CHELAN
DOUGLAS
LAKES
Scale 1:500,000
1 inch equals approximately 8 miles
LEGEND
State capital
County seat
City, town, or village
Scheduled service airport
Built-up area shown for towns over 5,000 population
County boundary
Park or recreation area
National wildlife refuge
Interstate highway
U.S. highway
State highway
Other principle roads
Wilderness area
Forest
Military, Indian

territory to the Colville reservation. The Colville reservation had been established in 1872 as a multi-tribal reservation.

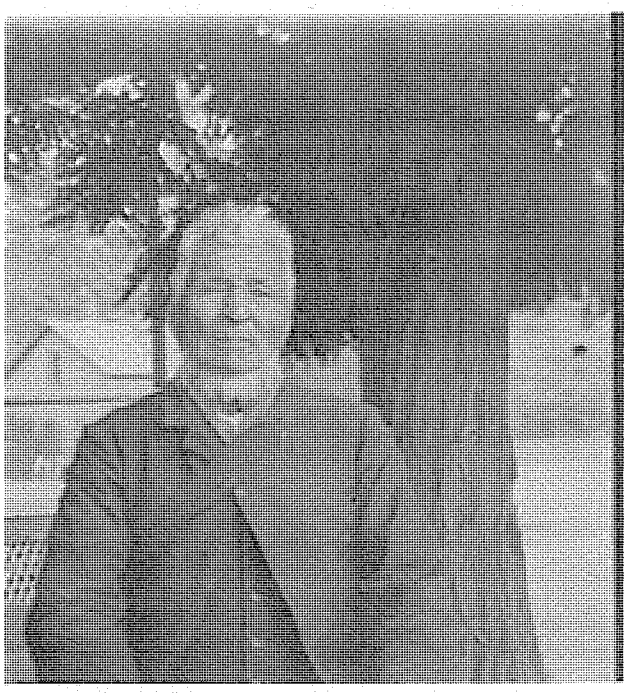
After two months of strategizing and coordination, on June 12, 1883, four Columbia chiefs met at Fort Spokane. They included Moses, the free spirit with an unsettled home; Sarsarpkin, whose people lived on the northeastern part of the Columbia reservation; Tonasket from the Colville reservation; and Lot from the Spokane reservation. They journeyed to Washington, D.C. by train, arriving on Friday, June 22. Negotiations proceeded for more than two weeks and resulted in the signing of an agreement on July 9, 1883, called the Moses Agreement.

Chief Moses agreed to give up all claim to the Columbia reservation in exchange for land allotments and a number of other considerations. Chief Moses gave his name to the agreement and to the land allotments. Each allotment was assigned to a head of family or single adult male or female, with most allotments being up to one square mile (or 640 acres) in size. The results of the negotiations became known as the Moses Agreement; the allotments became the Moses allotments with numbers MA-1 to MA-40; and the people who took allotments under this agreement became known as the Chief Moses Band on Interior Department records. Moses himself never lived on the Columbia reservation, never took a Moses allotment, and was not the chief of any of the people who did take allotments. But he did most of the negotiating and

Chief Moses once told a follower to count the grains in a pile of sand. "There are too many," said the man. "It is the same with whites," replied Moses, who had been east twice. "There are too many."

Chief Tonasket emerged as another respected leader, friendly to whites. He ranched on Lake Osoyoos and along the Kettle River. He was not pleased when some of his homelands became part of the Moses reservation.

Chief Sarsopkin of the Sinlahekin band accompanied Moses and Tonasket to Washington, D.C., in 1883. Three years later Sarsopkin was dead, himself and horse pushed off a cliff, possibly by his own son.



Chief Lot of the Spokane Tribe

Chief Moses, in Washington D. C. in July 1883

his short, clear name was used as shorthand for the Indians who did take allotments. They were now described as the Chief Moses Band, even though they had a variety of tribal affiliations and none of them had ever been part of the Chief Moses Columbia tribe.

It was Chief Sarsarpkin who asked for land on the Columbia reservation where he and his people lived and this led to allotments being included as an option in the Moses agreement. Sarsarpkin was individually allotted more than three square miles of land. He also had himself named as the recipient of MA-6 for an additional 379 acres. All Indians living on the Columbia reservation and not choosing to remain there and take an allotment were expected to move to the Colville reservation.

On July 4, 1884, Congress passed an act to fulfill the Moses Agreement. Tracts of land were to be surveyed and assigned, in as compact a form as possible, for Indians who wished to remain on the former Columbia reservation. And the unallotted portion of the Columbia reservation was ordered "restored to the public domain". On May 1, 1886, President Grover Cleveland, using an executive order, opened the former Columbia reservation to non-Indian settlers, less the Moses allotments selected for qualified Indians. In the same Executive Order of May 1, 1886, 37 Moses allottees were named and their tracts described by survey details, often including the acreage. Each tract was assigned to a specific individual and named MA-

1 through MA-37. Three allotments were added in 1890, MA-38 through MA-40, completing the picture. The Moses allotments were originally reserved allotments without titles similar in legal structure to Indian reservations reserved for a community of Indians. However, on March 8, 1906, Congress ordered that the Moses allotments be made trust allotments with each owner being given a trust patent or title. The trust period was set at ten years, at the end of which the owner or heirs were to receive fee patent titles, placing them on the same basis as non-Indian title holders on the public domain.

Following is a list of the 40 Moses allotments, their initial recipients and their acreage in 1886 and in 1996, based on the Marilyn Watson research. The survey details given in the Executive Order of May, 1, 1886 use the survey metrics of the time, so that reading the surveys themselves or reading the original Bureau of Land Management maps can be confusing without the key. The metrics are chains and links. A chain equals 1/80 of a mile or 66 feet, and a link equals 7.92 inches. So, 80 chains is equal to 5,280 feet or one mile. One square mile equals 72.66 feet squared which equals 640 acres. Following are numbers in acres for the original allotments and what remained in Indian hands in 1996.

Label	***Recipient Name***	***1886***	***1996***
MA-1	Sar-sarp-kin	2,180.80	
MA-2	Cum-sloct-poose	640	

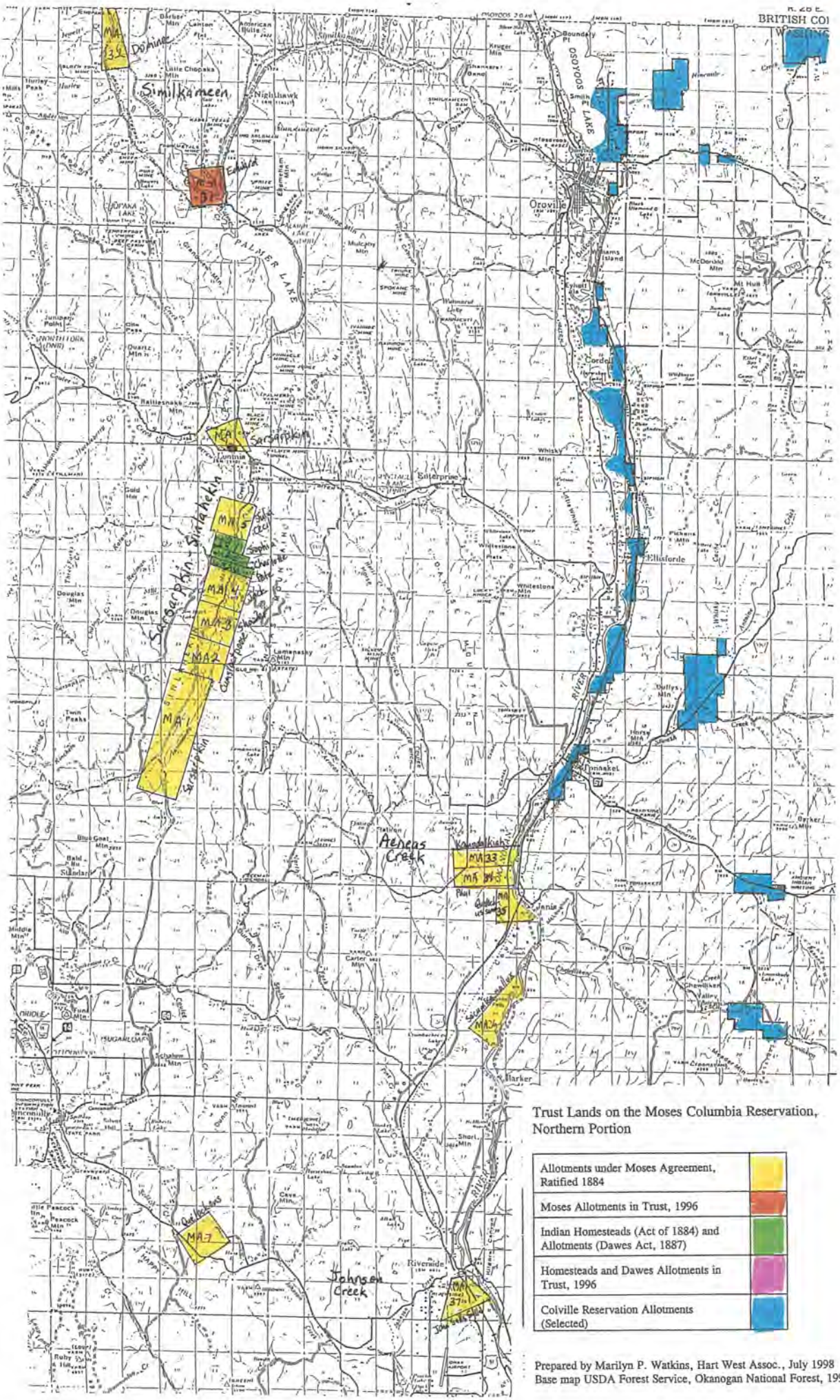
Label	***Recipient Name***	***1886***	***1996***
MA-3	Showder	640	
MA-4	Jack	640	
MA-5	Ka-la-witch-ka	640	
MA-6	Sar-sarp-kin	379	20
MA-7	Quo-lock-ons	640	
MA-8	Nek-quel-e-kin, or Wa-pa-to John	640	116.10
MA-9	Us-tah	640	12.35
MA-10	Que-til-qua-soon	540	110
MA-11	Tan-te-ak-o or Johnny Isadore	640	
MA-12	Ke-up-kin or Celesta	640	
MA-13	Ta-we-na-po or Amena	640	
MA-14	Pa-a-na-wa or Pedoi	640	
MA-15	Yo-ke-sil	350	
MA-16	La-kay-use or Peter	640	
MA-17	Ma-kai	507.50	
MA-18	Scum-me-cha or Antoine	640	640
MA-19	Jos-is-kon or San Pierre	640	
MA-20	Charles Iswald	640	
MA-21	In-perk-skin or Peter No. 3	500	500
MA-22	Tew-wew-wa-ten-eek or Aeneas	640	
MA-23	Stem-na-lux or Elizabeth	640	
MA-24	Neek-kow-it or Captain Joe	640	
MA-25	Hay-tal-i-cum or Narcisse	640	
MA-26	Kleck-hum-tecks	640	
MA-27	Ki-at-kwa or Mary	640	94.79
MA-28	Ta-tat-kein or Tom	640	
MA-29	La-la-eique	640	
MA-30	Snain-chucks	640	
MA-31	Edward	640	640
MA-32	Dominec	620.26	
MA-33	Ko-mo-dal-klah	639.90	

Label	***Recipient Name***	***1886***	***1996***
MA-34	Paul	599.55	
MA-35	Que-lock-us-soma	495.47	
MA-36	Se-cum-ka-nallux	637.47	
MA-37	John Salla-Salla	630	
MA-38	Chelan Bob	337.60	
MA-39	Cultus Jim	204.90	
MA-40	Long Jim	505.30	
Total acreage		*25,127.75*	*2,134.89*

Only 8.5% of the original allotment acreage remained in trust in 1996.

Initially the Indian recipients of Moses allotments could not lease or sell any of their property. On March 8, 1906, however, Congress passed legislation giving trust titles to Moses allotment owners and allowing them to sell all but 80 acres of their land with the approval of the Interior Department. In 1924 Congress passed additional legislation allowing Moses allotment owners to sell all of their remaining allotment land, again with the approval of the Interior Department. The erosion of the allotment lands was enabled in 1906 and the enabling was completed in 1924. Any retained land remained in trust.

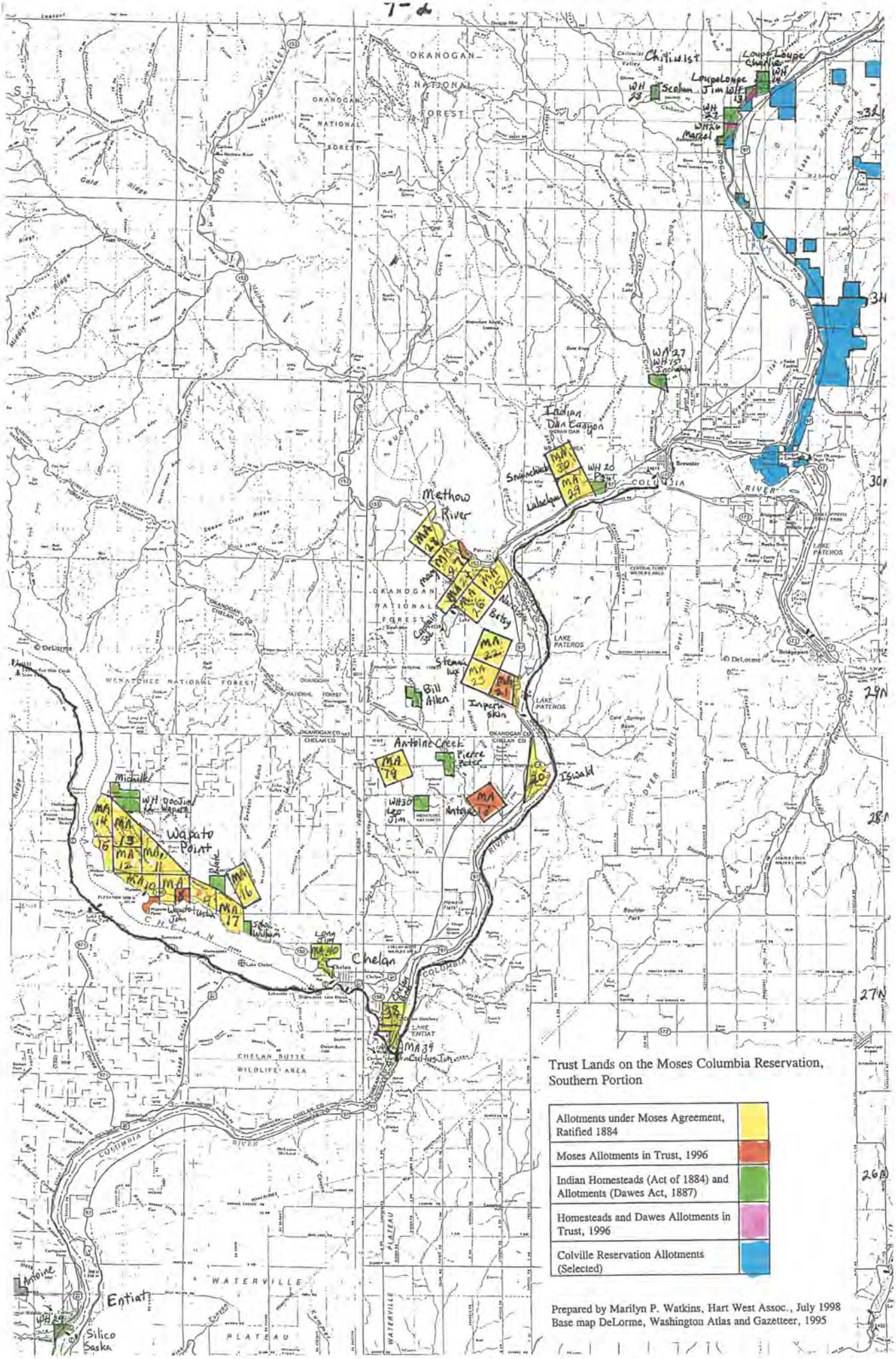
The recipient's Indian names are set forth in pronunciation groups separated by dashes. These Indians didn't have a written language, so this is what the names sounded like to Interior



Trust Lands on the Moses Columbia Reservation, Northern Portion

Allotments under Moses Agreement, Ratified 1884	
Moses Allotments in Trust, 1996	
Indian Homesteads (Act of 1884) and Allotments (Dawes Act, 1887)	
Homesteads and Dawes Allotments in Trust, 1996	
Colville Reservation Allotments (Selected)	

Prepared by Marilyn P. Watkins, Hart West Assoc., July 1998
Base map USDA Forest Service, Okanogan National Forest, 1992


OKANOGAN NATIONAL FOREST
WENATCHEE NATIONAL FOREST
Methow River
Indian Dan Canyon
Antoine Creek
Wapato Point
Chelan
Entiat
Silico Saska
LAKE PATEROS
LAKE ENTIAT
CHELAN BUTTE WILDLIFE AREA
COLUMBIA RIVER
PLATEAU
WATERVILLE
Trust Lands on the Moses Columbia Reservation, Southern Portion
Allotments under Moses Agreement, Ratified 1884
Moses Allotments in Trust, 1996
Indian Homesteads (Act of 1884) and Allotments (Dawes Act, 1887)
Homesteads and Dawes Allotments in Trust, 1996
Colville Reservation Allotments (Selected)
Prepared by Marilyn P. Watkins, Hart West Assoc., July 1998
Base map DeLorme, Washington Atlas and Gazetteer, 1995

Department ears. One can find numerous other spellings in other documents.

Two excellent maps, one showing the northern allotments and one showing the southern allotments, were prepared by Marilyn Watkins, Ph.D. in history, and added to "Columbia Reservation maps," as part of the Western Waters Digital Library document with twelve additional maps compiled by historian E. Richard Hart in 1998.

Moses Allotment Recipients and Their Stories

My description of the siting of each allotment is in italics contained in brackets. I then give some history of the recipient, when I found any, and the status of the allotment.

MA-1 through MA-6—Chief Sarsarpkin and His People

[The first six allotments were sited beginning ten miles west of the Okanogan river and the present town of Tonasket, in a south to north direction. The allotments continued north to about three miles south of Palmer Lake, which lies six miles south of the Canadian border.]

I am relying primarily on Ann Briley's 1988 paper "Sar-sarp-kin Last Chief of the Sinlahekin Band," although *Half-Sun on the Columbia* and other books support her account and enlarge on the facts of Sarsarpkin's life. Ann Briley wrote:

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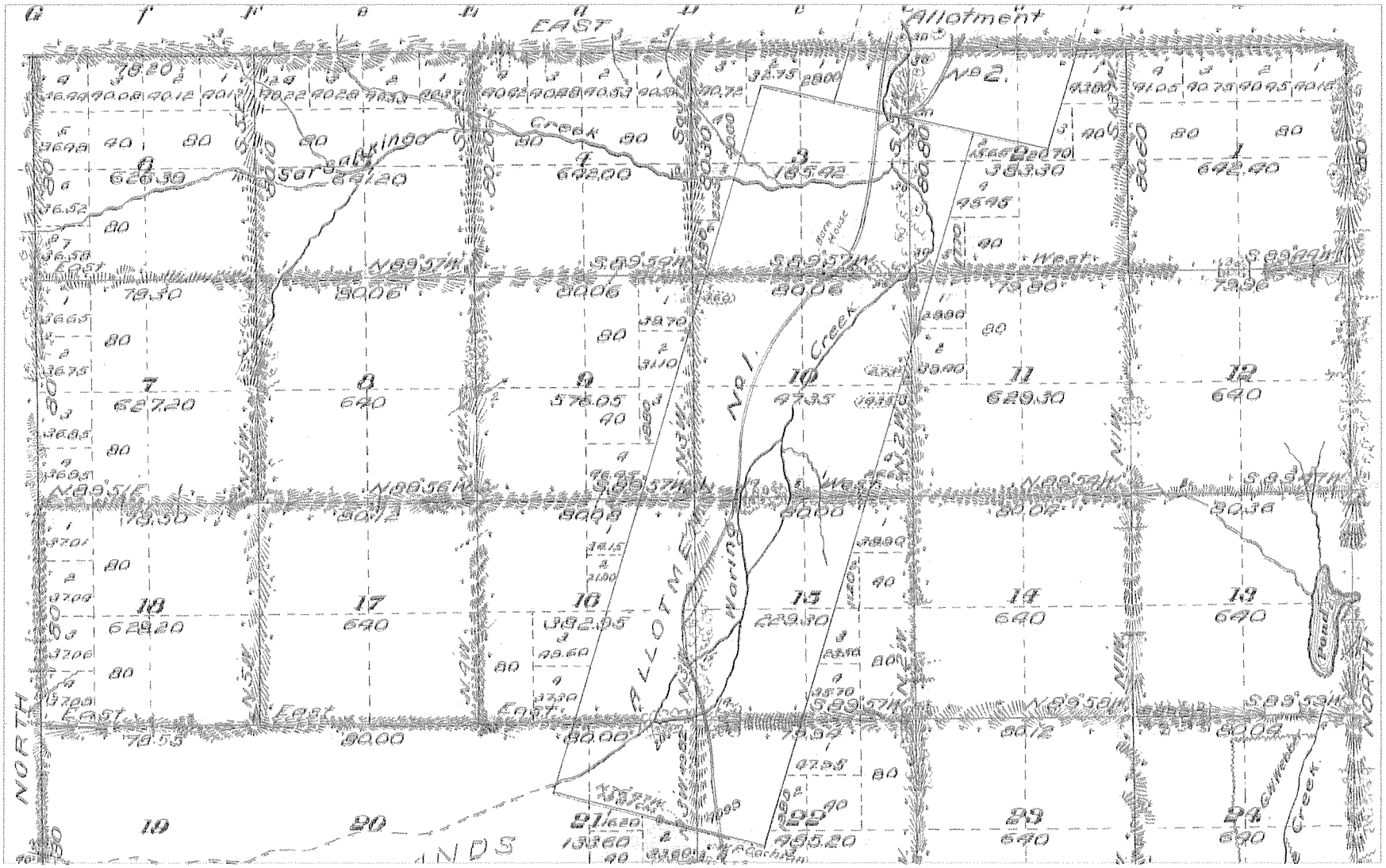

Moses Allotment
MA1

Sar-sarp-kin

1-01

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Moses Allotments
MA2 (Cum-sloct-poose)
MA3 (Showder)

10-3

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10-3

Moses Allotment
MAH
Jack

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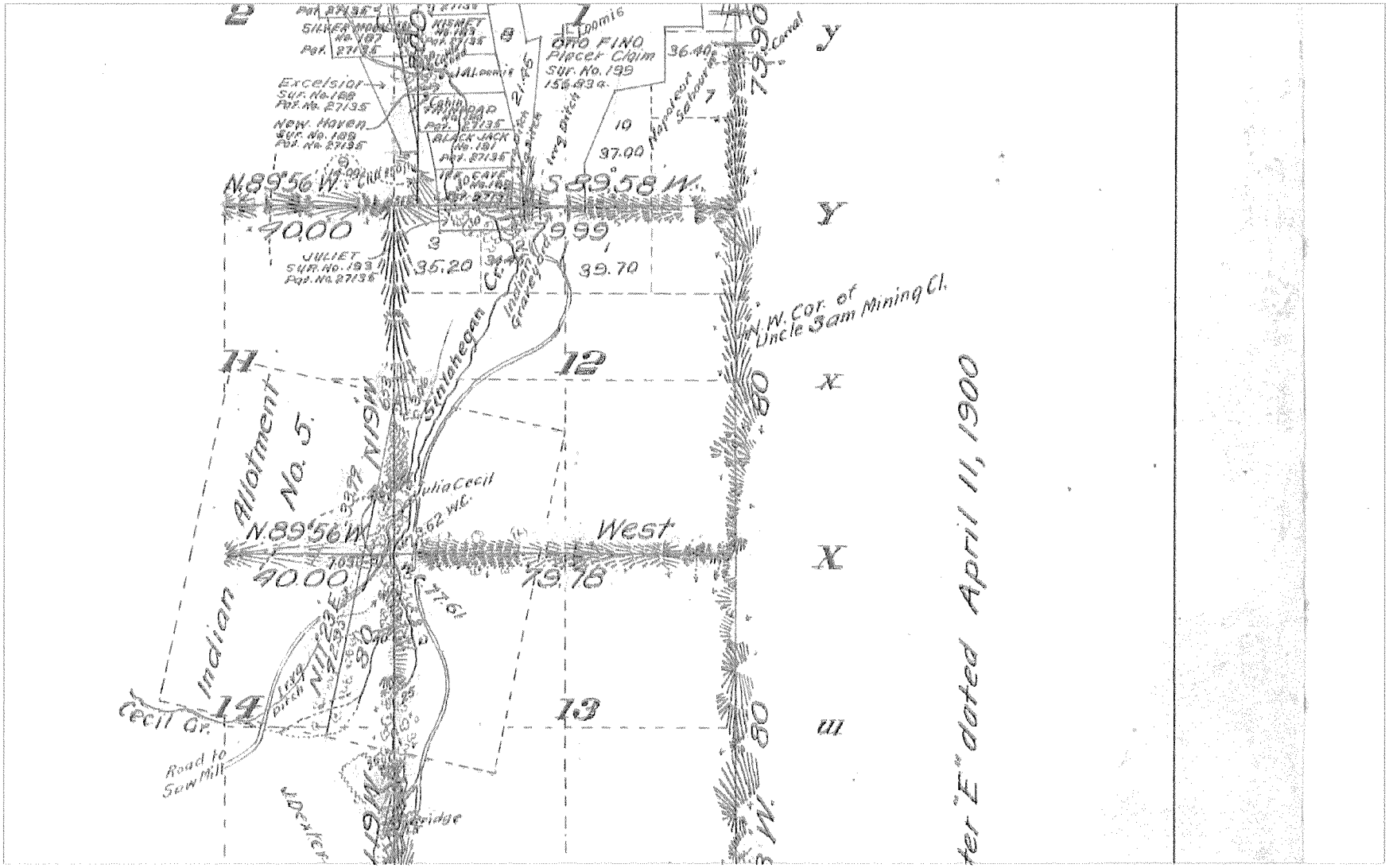

Moses Allotment
MA5
Ka-la-witch-ka

4-01

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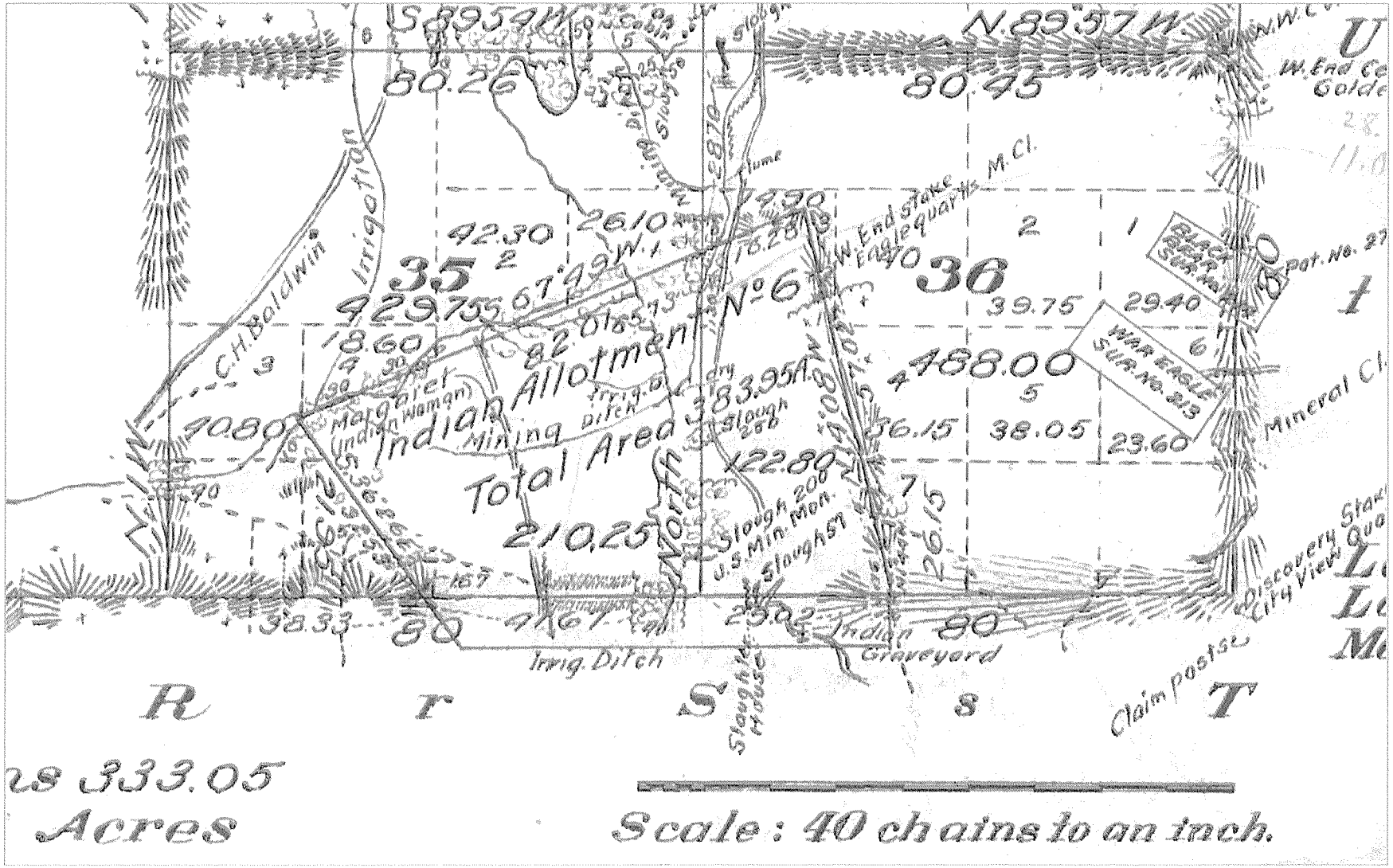

10-5

Moses Allotment
MA6
Sar-sarp-Kin

During his lifetime, the Indians say, Sar-sarp-kin had four wives. It was the fourth wife, Margaret, a tall, forbidding looking woman, who was with him at the time of the granting of the land and survived him. Their children were Jack, Peter En-how-chin, Alexander (commonly known as Alex or Alec), Julia, Katherine and Sophie.

As to the distribution of the land, Sar-sarp-kin, with the assistance of a small contingent of soldiers sent to implement the Moses Agreement, made up six allotments. He kept for himself Allotment One at the southernmost point of the holdings, roughly two miles south of Loomis. He gave Allotment Two to a very old, blind man, Cum-sloot-poose, who later died in the chief's home. Number Three went to Showder, or Showdy, as the Indians called him, who was married to daughter Julia. Number Four went to Jack, of whom nothing is known today. Number Five was given to Kala-witchka, Showder's father.

Sar-sarp-kin's traditional homesite north of Loomis on Toats Coulee Creek was designated as Allotment Six. But, for some reason, the chief did not want to leave Number Six to his son Peter. There was a blank space left in the Coulee. It was years later, under what the Colville Agency records designate as Section 4 of the

General Allotment Act, that Peter En-how-chin received any land at all.

Initially, the band was pleased with this settlement. Its members were aware of their good fortune in being allowed to live in their ancient land of streams and mountains. However, on this tract of land, the length of which a modern automobile could pass through in five minutes, there occurred over the years, much dissension, chicanery and even murder. Sar-sarp-kin endeavored, it is certain, to reserve as much of Sinlahekin Coulee as possible for his own kinsmen and dependents.

Guy Waring was living in his newly refurbished cabins with his wife and her two children in 1887. In November of that year his hired man, James Henderson, came hurrying to the house one day with the shocking news of Sar-sarp-kin's death. Henderson told him the story as he had heard it from County Commissioner Billy Grainger that morning. Waring give the account in his book [My Pioneer Past, 1936]:

"The old chief and several of his followers had been on a drinking spree for several days where they had bought a quantity of so-called whiskey and finally started home. Sar-sarp-kin, according to the story, was hopelessly drunk and had to be packed on a horse and tied down securely. About ten miles from the campsite, Pete, the

oldest son, decided to push the old man and his horse together over a steep, rocky place some 40 feet high, both rider and horse were dead when the party got down to them."

Guy Waring, in the capacity of coroner and friend of the deceased, supervised the November funeral.

Following Sarsarpkin's death, a brief court hearing was held in Conconully. No action was taken for lack of evidence.

In the spring of 1888, *The Loomiston Journal* editor A.H. Sroufe, Briley wrote, reported the following: "Joe and Pete, sons of Chief Sar-sarp-kin, got drunk on the 11th and Joe beat Pete's brains out with a rock." Briley wrote, "Never mind that there was no Joe Sar-sarp-kin; possibly it was Jack to whom he referred." Briley continues:

In the descending scale of drunkenness, disease and death, the followers of Chief Sar-sarp-kin found adjustment to their altered world increasingly hopeless. The whole Sar-sarp-kin family was dealt a series of blows until gradually their lands grew idle, and the old mother's home became the scene of drunken orgies. In the melee, Margaret, the widow of the deceased chief, was nearly killed. [A 1924 Indian census, however, shows her still alive in 1924 and listed as being 72 years of age.]

The year 1902 was full of Sar-sarp-kin family decimations. In June, Alexander was found dead at Chopaka next to the British Columbia line. His horse was mired down in the slough, the drowned body of the Indian nearby. The malaise of the Indians who had once been a clean and vigorous people grew with a terrible crescendo. For, in addition to the above ills, it became manifest that the white lords of the valley were busily filching the Indians' land.

In one case, the daughter of the chief, Ellen, had signed a paper "selling" her land to one Fitzgerald. The lady thought she had signed a lease. Occupying Pete's allotment was one Garret, while another man, Dexter, resided on Sophie's land.

White occupants were ordered to vacate. Some did so readily. Others protested and appealed to the courts, but to no avail.

Several years passed. The Sar-sarp-kin name had died out. The Spokesman-Review made a barely noticeable mention. The May 5, 1912, issue stated "Erect Monument. The Indian Department has just erected a marble cross eight feet high over the grave of Chief Sar-sarp-kin north of the town of Loomis." Then, in the year 1988 it dawned upon the consciousness of people that the eight-foot cross was no longer there. This writer walked up to the cross in 1972. So, sometime after 1972

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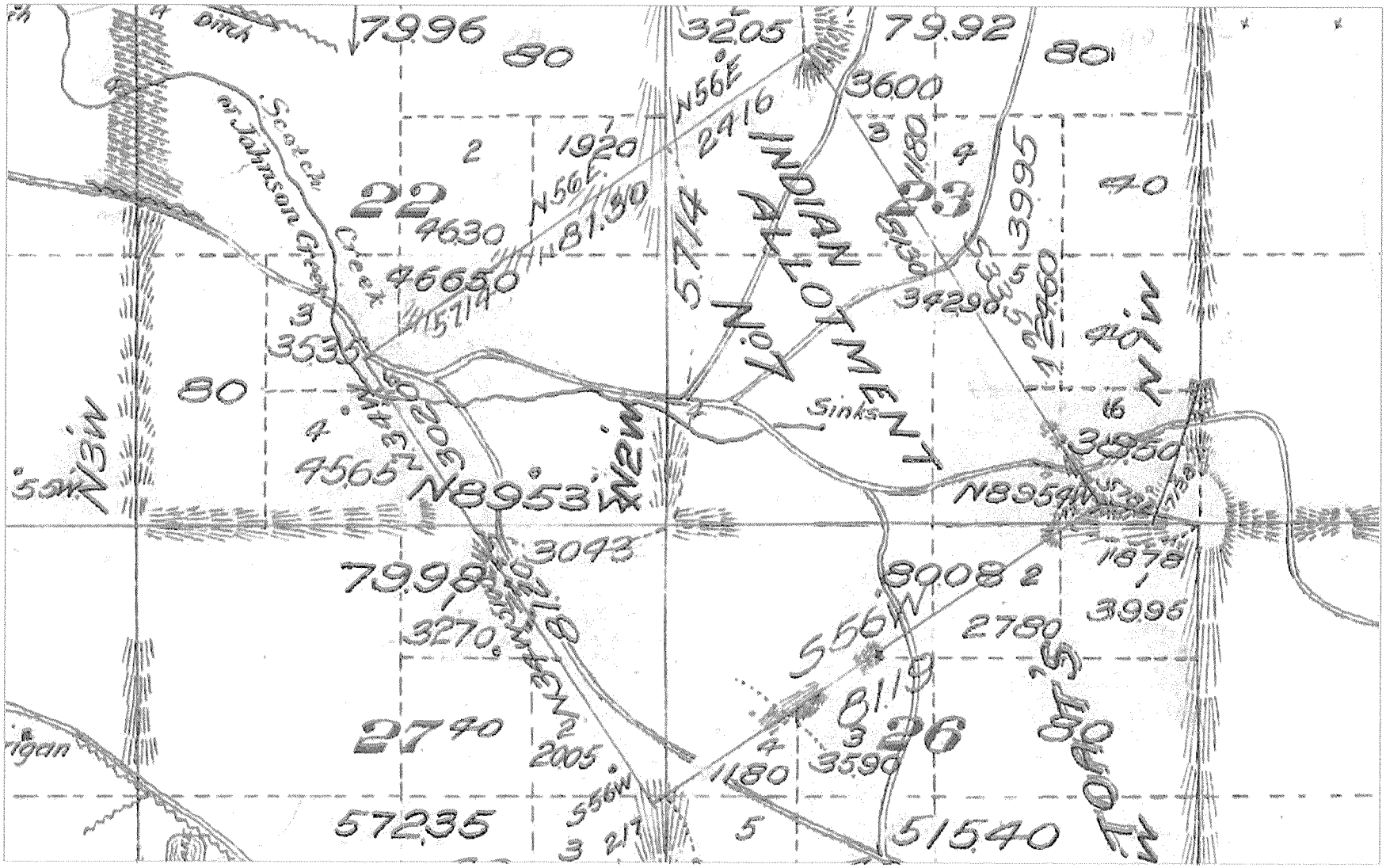

Moses Allotment
MA 7
Quo-lock-ons

1-41

> *the historic and revered artifact was pulled from the ground, leaving large boulders and chunky wooden braces behind. There is no hope that it will ever be found.*

Briley concluded her article with the words of Guy Waring at the time of Sar-sarp-kin's death:
"Something ancient and noble and fine was leaving."

Of Sar-sarp-kin's allotments MA-1 through MA-6, only a small portion of MA-6 remained in trust in 1996.

MA-7—Quo-lock-ons

[This allotment was sited seven miles west of the present town of Riverside and twelve miles directly south of MA-1.]

A 1909 Indian census shows that the land title passed to the recipient's son, Te-cum-tarl-kin or Frank, who was then living on the Colville reservation with his second wife, Jennie, his first wife having died. Frank is listed as being 45 years old and Jennie as 43. Jennie was the widow of Frank's brother, San Pierre. The land is no longer in trust.

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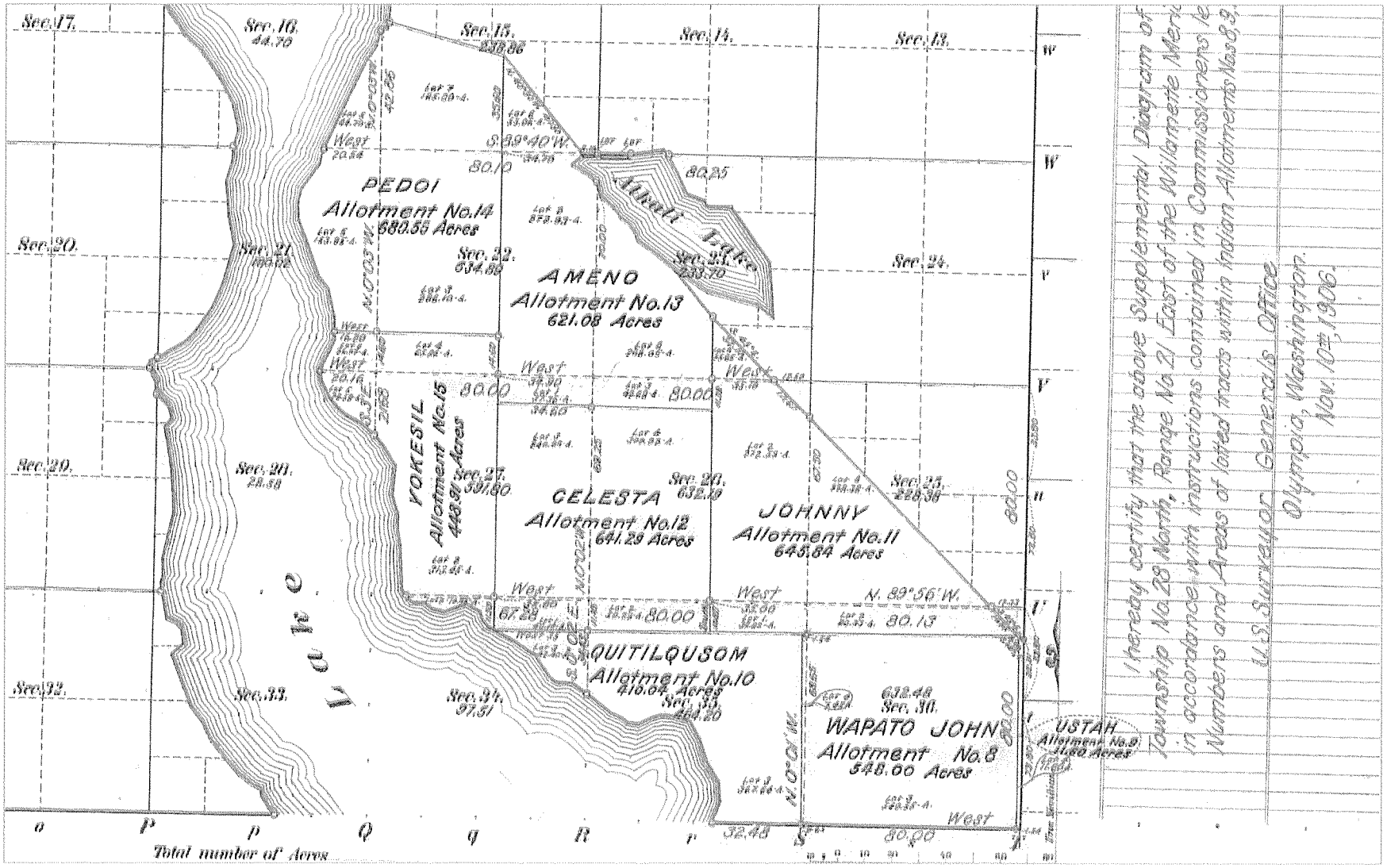

Moses Allotments

MA8 (Wapato John)
MA10 (Peter)
MA11 (Johnny)
MA12 (Celesta)
MA13 (Ameno)
MA14 (Pedoi)
MA15 (Yo Kesil)

15-1

Peter Wapato
Garden = 5' x 10'

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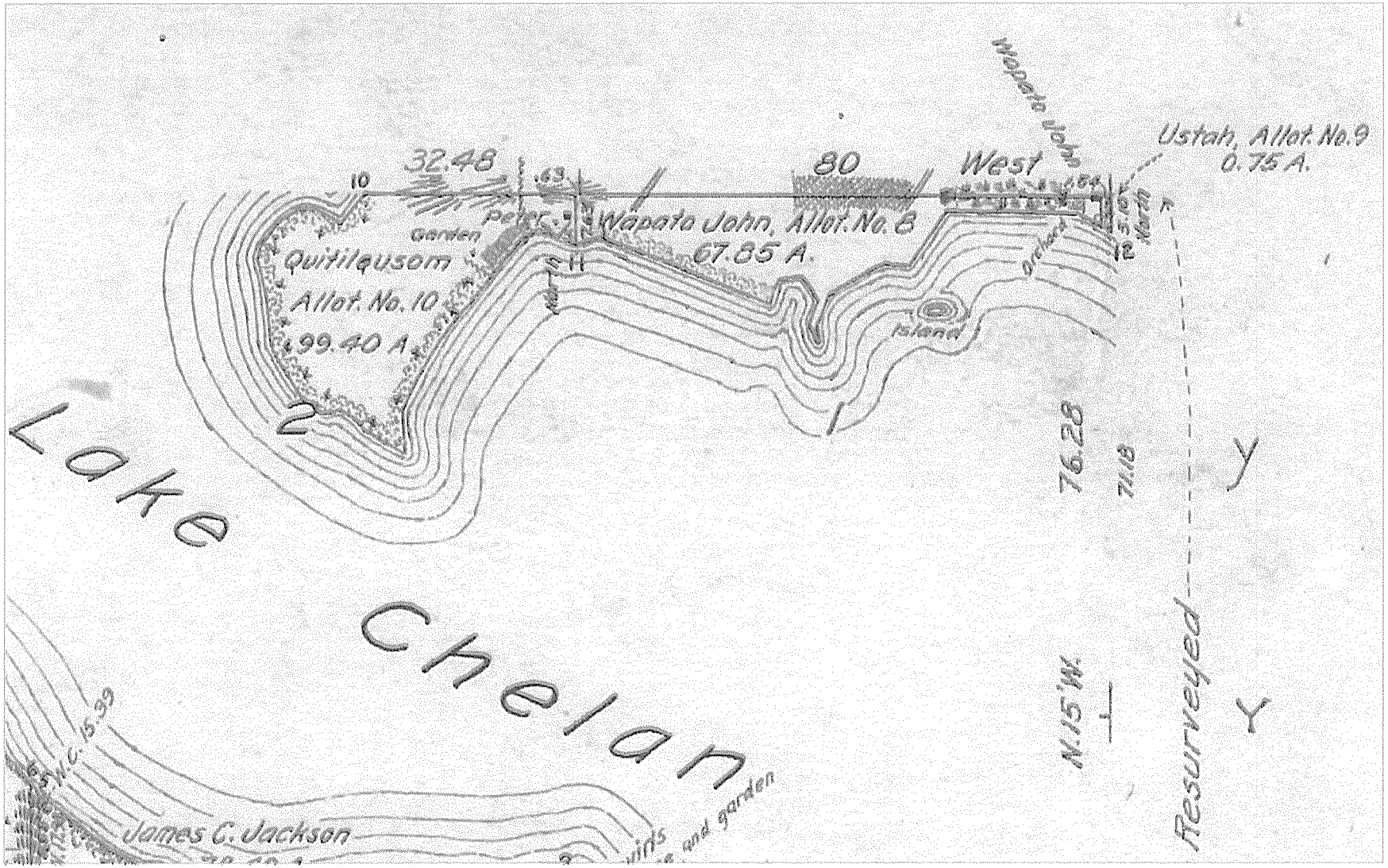

Moses Allotments
MA 8 Shoreline remainder
MA10 Shoreline remainder

15-2

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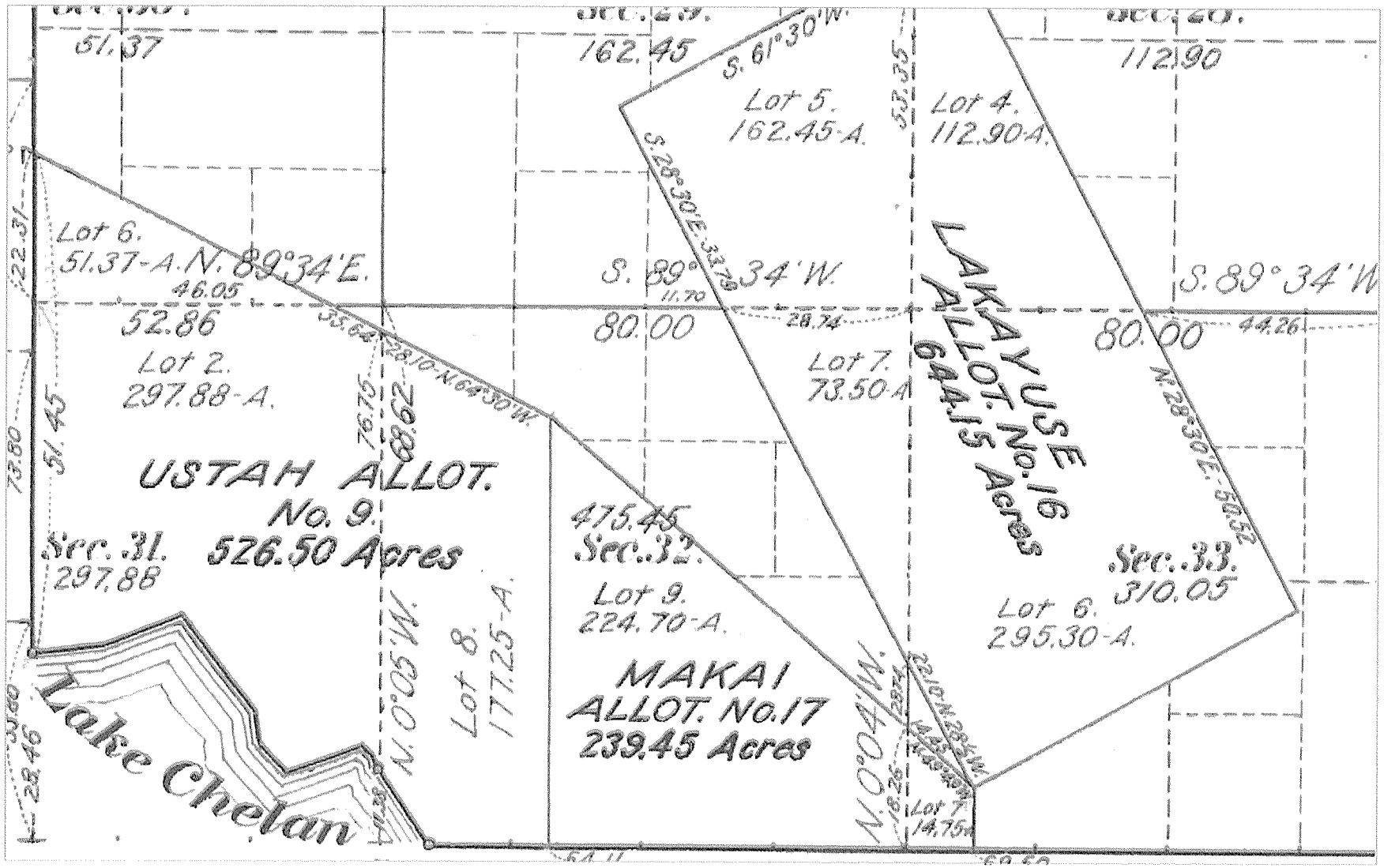

15-3

Moses Allotments

MA9 (Ustah)

MA16 (LaKayuse)

MA17 (MaKai)

MA-8—Nek-quel-e-kin, or Wapato John—plus MA-9 Through MA-17

[These 10 allotments were sited along or near the north shore of Lake Chelan at the present town of Manson.]

The fate of the 10 allotments MA-8 through MA-17 are intertwined through the person of Wapato John. The recipients of these allotments were related by marriage or other family relationships. And they formed a cohesive group around the leadership of Wapato John who held MA-8. MA-9 belonged to Wapato John's daughter Mary and his son-in-law Louis Ustah. MA-10 belonged to son Peter, and MA-11 to son Sylvester. MA-12 belonged to daughter Mary Ann and son-in-law Johnny Abraham. MA-13 belonged to Cecile, the sister of Johnny Abraham. MA-14 belonged to Pedoi, the brother of Johnny Abraham. MA-15 belonged to Yokesil, the mother of Pedoi, Cecile and Johnny Abraham. MA-16 belonged to Louis Ustah's brother, Lakayuse. And MA-17 belonged to Louis Ustah's brother, Makai. The 1909 Indian census states that Ustah, Lakayuse and Makai were brothers. Some other evidence suggests that Lakayuse may be the father of Ustah and Makai.

At the center of this community was a church built and founded by Wapato John and consecrated by the Catholic Church. Weekly services conducted by Wapato John or by visiting priests were a central focus of this small Indian

16-1

Chapter 629

Mar. 8, 1906. [H. R. 10697.] | [Public, No. 37.] 34 Stat., 55.

Page Images

An act providing for the issuance of patents for lands allotted to Indians under the Moses agreement of July seventh, eighteen hundred and eighty-three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents to such Indians as have been allotted land under and by virtue of the agreement concluded July seventh, eighteen hundred and eighty-three, by and between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville reservations, commonly known as the Moses agreement, accepted, ratified, and confirmed by the act of Congress approved July fourth, eighteen hundred and eighty-four (Twenty-third Statutes, pages seventy-nine and eighty), which patents shall be of legal effect and declare that the United States does and will hold the lands thus allotted for the period of ten years from the date of the approval of this act in trust for the sole use and benefit of the Indian to whom such allotment was made, or in case of his decease, either prior or subsequent to the issuance of such patent, of his heirs, according to the laws of the State of Washington, and that at the expiration of said period the United States will convey the same by patent to the said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever. And if any conveyance shall be made of the lands so held in trust by any allottee or his heirs, or any contract made touching the same, except as herein-after provided, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void.[1]

[1] U. S. v. Moore, 161 Fed., 513; Starr v. Long Jim, 227 U. S., 613; 40 L. D., 212.

{Page 162}

SEC. 2

That any allottee to whom any trust patent shall be issued under the provisions of the foregoing section may sell and convey all the lands covered thereby, except eighty acres, under rules and regulations prescribed by the Secretary of the Interior. And the heirs of any deceased Indian to whom a patent shall be issued under said section may in like manner sell and convey all of such inherited allotment except eighty acres, but in case of minor heirs their interests shall be sold only by a guardian duly appointed by the proper court upon the order of such court, made upon petition filed by the guardian, but all such conveyances shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser the same as if a final patent without restrictions upon alienation had been issued to the allottee. All allotted land alienated under the provisions of this act shall thereupon be subject to taxation under the laws of the State of Washington.

Approved, March 8, 1906.

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community. The church also attracted local, non-allotment Indians, and sometimes local whites attended as well. Wapato John's objectives were to keep his people away from alcohol and to avoid conflict with the surrounding white community or among themselves. But the fate of their land was ultimately changed by forces beyond his control.

The community formed in 1880 when Wapato John and his small group moved from the Columbia river to the north shore of Lake Chelan onto the new Columbia reservation. Then the Columbia reservation was dissolved through the Moses Agreement of 1883 and the Moses allotments were surveyed and allocated in 1886 to Wapato John and other Indians in 1886. Everything proceeded well until Seattle developers became interested in the area around 1900. The Seattle developers sent engineers to survey the north shore area to determine the feasibility of providing irrigation water to the area in order to plant apple trees and raise other crops. These activities ran over many years. Those developers decided to proceed, and they formed the Wapato Irrigation Company; however, one big problem existed. A huge part of the area on the north shore that the developers wished to irrigate, develop and sell was occupied by Indians and under the oversight of the Interior Department.

The developers contacted their legislators in Congress. At first, they sought a bill that would give fee simple titles to the Indians and allow them to sell all of their land directly to the

Wapato Irrigation Company. The Interior Department objected that this would place the Indians in an unfair position. But the Interior Department did agree to a bill that gave the Indians trust status titles, with continued Interior Department oversight of sales and leases, and agreed to allow the Indians to sell all but 80 acres of their allotments. In this form, the bill passed Congress on March 8, 1906. This bill applied to all Moses allotments, even though its origin was from developers desiring to obtain the land for a large irrigation project at Lake Chelan. The legislation was passed on the basis that a large irrigation project, as proposed by the developers, was in the country's interest.

The writing was on the wall. The allotment community was in peril. Some of the allotment holders were aging. Many were land rich but money poor and appreciated the need to get in line with the changes that were occurring around them. A few were opposed to giving up any of their allotment land. Peter Wapato, Wapato John's third son and owner of MA-10, was the leader of the opposition. Charles Wapato, Wapato John's oldest son, favored accommodation, although he was not a Moses allotment holder—he and his wife had a 168-acre homestead at the west end of Alkalai or Wapato Lake. It was probably the stress of this time along with Peter's jealousy of Charles that led Peter and his two oldest sons, John Baptiste and Louie, to murder Charles on August 11, 1906. I believe this event ended any sense of community that Wapato John had worked so hard

18-1

INDIAN AFFAIRS: LAWS AND TREATIES

Vol. III, Laws (Compiled to December 1, 1913)

Compiled and edited by Charles J. Kappler. Washington : Government Printing Office, 1913.

ACTS OF THE SIXTY-FIRST CONGRESS—THIRD SESSION, 1910-1911.

CHAP. 3 | CHAP. 91 | CHAP. 143 | CHAP. 210 | CHAP. 231 | CHAP. 246 | CHAP. 272 | CHAP. 276

Page Images

Chapter 276

Margin Notes	
Chap. 276	Wapato Irrigation Company.
Chap. 276	Sale of portion of allotments in Washington to, for irrigation project.
Chap. 276	Disposal of proceeds.

{Page 508}

Chapter 276

Mar. 4, 1911. [H. R. 32251.] | [Public, No. 516.] 36 Stat., 1358.

Page Images

An act authorizing the sale of portions of the allotments of Nek-quel-e-kin or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to sell to the Wapato Irrigation Company, on such terms and conditions as he may deem for the best interests of the allottees, so much of the lands in Chelan County, Washington, covered by trust patents issued to Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees numbers eight and ten, under the act of Congress approved March eighth, nineteen hundred and six, as in his judgment may be required to advantageously and economically complete and operate its irrigation project now in process of construction in Chelan County, State of

18-2

Washington, including such land as may be needed for roads, bridges, ditches, flumes, dams, reservoirs, docks, landing places and other works, and shall convey the lands so sold to the said company by patent in fee. The funds derived from the sale of said lands shall be conserved for the respective allottees or invested or expended for their benefit in such manner as the Secretary of the Interior shall determine.

Approved, March 4, 1911.

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to achieve. The values that Wapato John had sought to inculcate in his community were shredded. By this time, Wapato John himself was old and blind and could no longer exert his previously forceful personality.

Negotiations proceeded among the Wapato Irrigation Company, the allotment owners and the Interior Department. The process took years to complete, but nearly all allotment owners on the north shore agreed to terms and sold all but about 80 acres of the allotment lands. Peter held out, keeping the aging Wapato John on his side, and refused to negotiate. The developers went back to Congress. Congress passed a new law on March 4, 1911. This law mandated negotiations and agreement, either by the allotment owners or if necessary by the Interior Department in their stead. Peter and Wapato John quickly reached an agreement. They did manage to save more than 80 acres of their allotments, which still exist to this day.

Wapato John died on September 7, 1911, and his heirs inherited ownership of his remaining MA-8 allotment land.

Son Peter and his family stayed on his remaining MA-10 land, farming and operating a dance hall and hosting public horse racing and sporting events, boat racing events and camping at Wapato Point. Peter died on October 28, 1949. Heirs Bill and Bobby Evans led an effort to negotiate the development of a Wapato Point resort on the allotment property. A deal was signed and development began. All of the other heirs died except brothers Bill and Bobby Evans. Peter had a lot of children

who grew to adulthood, but only two married and all his grandchildren except Bill and Bobby Evans died. Then Bobby, a classical pianist, died prematurely of a heart attack on April 13, 1974. Bill, an orchardist, became the sole heir to MA-10. In a time of fractional allotment ownership, this was unusual.

Bill's wife Lucille died in 2002. Finally, Bill died on September 11, 2003, leaving just two natural heirs, his daughters Nancy and Sandra. In addressing the disposition of his trust property interests, Bill's will contained the phrase "joint tenancy in common" which was obscure, ambiguous and confusing. The trust interests included a 23.8 share of the MA-8 allotment and a 100% share of the MA-10 allotment. The heirs and their attorneys began negotiating a revision of this part of the will. During this process, Bill's daughter Nancy died on July 21, 2004, leaving Sandra and Nancy's three children, Kenneth Evans, John Wayne Jones and Jamie Jones as heirs.

They reached an agreement on the disposition of Bill's trust property interests in legally intelligible language and in accord with Bill's intent, which was certified by both the Colville Tribal Court, since Bill was a registered member of the Colville Tribes, and by the U.S. Federal Court. Sandra Evans was to receive all income from the Wapato Point development during her lifetime, which amounted to $800,000 in 2003 when Bill died. However, for five years she agreed to give 35 percent of this income to Wapato Heritage LLC. Sandra's three nephews were to receive Wapato Heritage LLC, which had an income of

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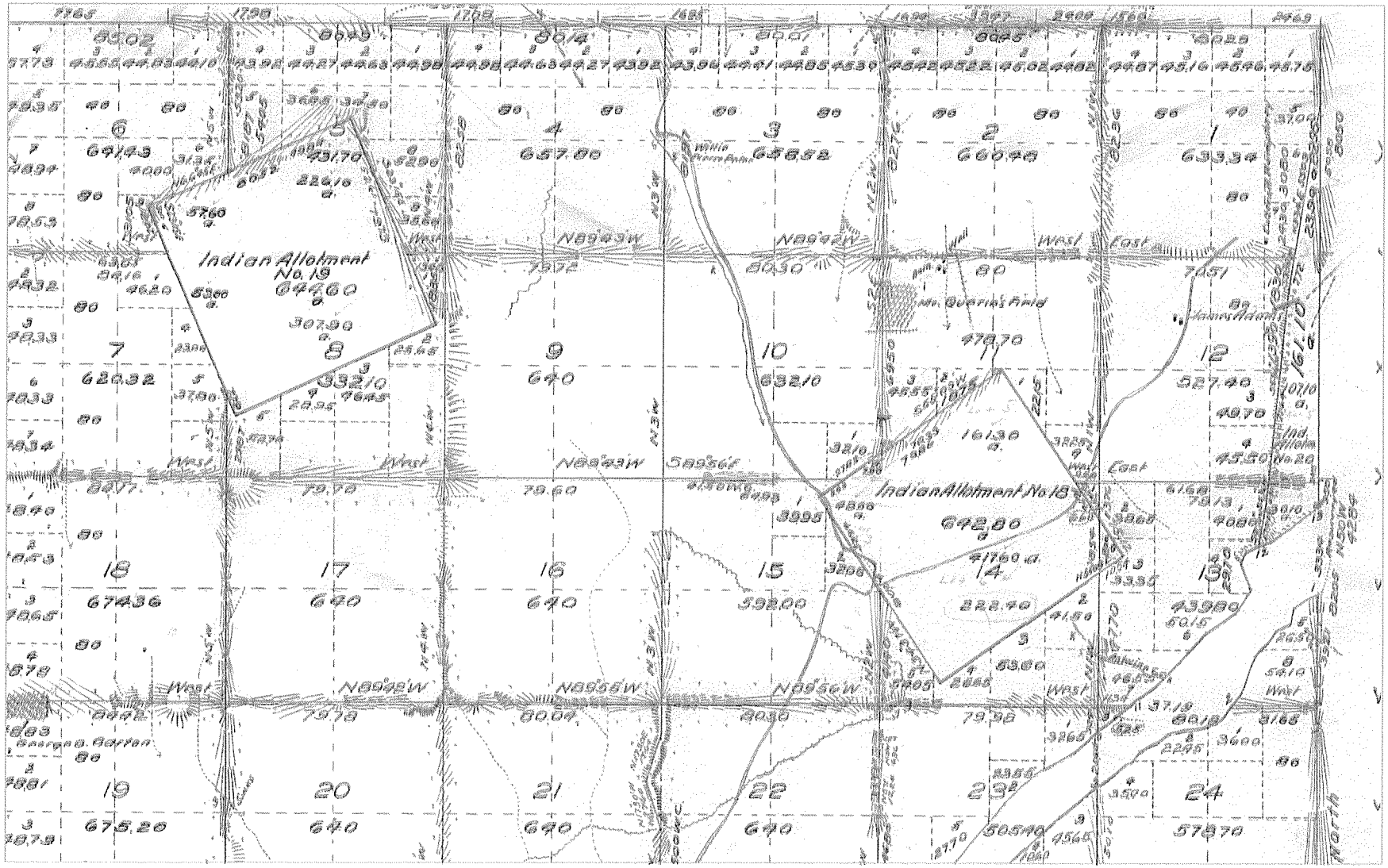

Moses Allotments
MA18 (Antoine)
MA19 (San Pierre)

20-1

$370,000 in 2003, and Bill's 23.8% share of MA-8 as a life interest along with Bill's MA-8 lease. At Sandra's death the income from MA-10 will accrue to Wapato Heritage LLC as a life interest. The life interest of Wapato Heritage LLC for both MA-8 and MA-10 are to run throughout the lives of five named grandsons of Bill Evans.

Bill had previously transferred non-trust property to each of his nephews and the family home was inherited by Sandra. Bill's cash in his Indian Money Account, $2,167,695.61, less court-approved withholds of $530,191.92, was distributed ¼ to Sandra and ¾ to Wapato Heritage LLC. All of Bill's estate information is contained in the following court document: Case 2:09-cv-00018-JLQ, ECF 361, filed 07/18/18.

All of the north shore allotment lands were eventually sold except part of the Wapato John allotment MA-8, a sliver of the Ustah allotment MA-9, and part of the Peter Wapato allotment MA-10.

MA-18—Scum-me-cha or Antoine

[This allotment was sited about one-half mile west of the Columbia river with Antoine creek running through it.]

The 1909 Indian census shows Klay-meetk or Catherine, the widow of Antoine, 80 years of age, still living on MA-18 along

with her son Pierre Paul and his wife Madeline, who is the daughter of Lakayuse and Lakayuse's wife Mary Ann of MA-16. The complete MA-18 allotment remains intact and in trust.

MA-19—Jos-is-kon or San Pierre

[This allotment was sited two miles west of MA-18.]

The 1909 Indian census states that Jos-is-kon was also known as George Washington. He was the son of Antoine and Catherine of MA-18 and the brother of Pierre Paul. George's wife was Mary, who was the daughter of Ta-tat-kein or Tom, the recipient of MA-28. Mary's mother, Sko-polks had died by the time of the 1909 census. This allotment is no longer in trust.

MA-20—Charles Iswald

[This allotment was sited alongside the Columbia river about one mile northeast of MA-18.]

Charles Iswald or Il-le-ache was married to Rose Marie, and they had three children. In mid-1893 Rose Marie appealed to the register of the land office in Waterville to have the allotment transferred into her name since her husband Charles had abandoned her and their children and moved to the Colville reservation and remarried. By this time only one of Rose Marie's children, Lucy, was still living. On November 25, 1893,

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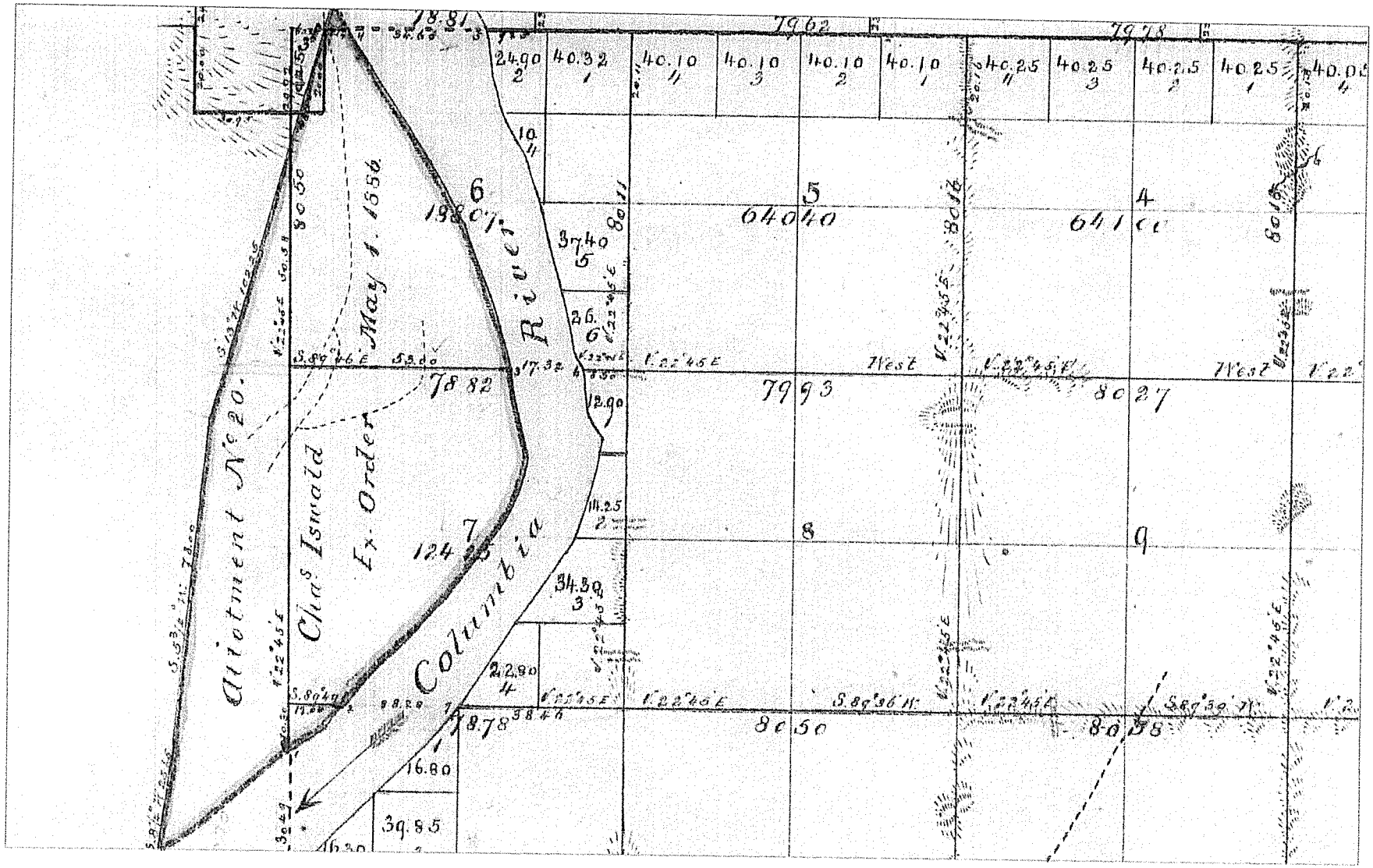

Moses Allotment
MA20 (Charles Iswald)

1-22

MA-20 (Charles Iswald/Rose Marie Iswald)

DEPARTMENT OF THE INTERIOR

Washington, February 19,1894

The PRESIDENT:

By Executive order of May 1, 1886, the following lands in the Moses Reservation, Washington Territory, were set apart for the exclusive use and occupation of Charles Iswald, a member of said tribe:

"This claim lies about 2 miles in a northeasterly direction from Antoine's claim. It contains no timber, but is mostly fair grazing land, with about 100 acres susceptible of cultivation. No improvements. From pine tree on right bank of Columbia River, blazed on four sides, where rocky spur 200 feet high comes down to near bank, forming narrow pass, from which a blazed pine 36 inches in diameter bears north 177 links distant, run south 13 degrees west (variation 22 degrees east).

"102.25 chains, made stone monument for corner on hillside in view of main trail. Thence run south 5 ¾ degrees west.

"78.00 chains, made stone monument for corner. Thence south ¼ degree west.

"25.65 chains, made stone monument on bank of Columbia River for corner. Thence with said river to a point of beginning, containing 640 acres of land."

The accompanying letter from the Commissioner of Indian Affairs, dated 25th ultimo, and its inclosures, show that Charles Iswald (Kis wal a kin) abandoned his wife and child some six years ago and moved to the Colville Reservation, Washington, and is now living there with another woman, by whom he has three children, and that, on January 2, 1894, he relinquished his said allotment to the United States.

The wife has made application to the register of the land office at Waterville, Wash., to have the lands in question reserved for her and her child, and the Commissioner is of the opinion that the same should be so reserved.

I have therefore the honor to recommend that the lands set apart by Executive order of May 1, 1886, for the exclusive use and occupation of Charles Iswald, and by him relinquished to the United States, be reserved for the exclusive use and occupation of Mrs. Charles Iswald, or Rose Marie, and her child, and that said authority be indorsed hereon.

HOKE SMITH, Secretary

Approved:

GROVER CLEVELAND

Captain J.W. Bubb, acting Indian agent of the Colville Agency, was directed to investigate and ascertain the facts. The Department of Interior records state:

> *It was suggested that if the said Charles Iswald intended to remain upon the Colville Reservation and make it his home in the future he should relinquish to the United States his allotment under the said agreement, and the agent was instructed, in the event that the said Indian had so determined, to obtain from him his voluntary relinquishment of his said allotment in order that steps might be taken to allot the lands embraced therein to his wife and children.*

On January 7, 1894, Captain Bubb sent his report to the Interior Department. He confirmed, after a meeting with Rose Marie at Antoine's house on MA-18, "that she would be glad to have the claim for herself and child (only one child now living)." The report continued:

> *The said agent further states that he experienced considerable difficulty in finding Charles Iswald under that name; that he claims his correct name is Kis wal a kin; that at Lake Chelan, among Wapato John's people, Iswald is known by the name of Il le acke; that he judges that name would be the best to give his wife in*

assigning her the allotment, her church name being Rose Marie; that Charles Iswald, now known as Kis wal a kin, lives at present on the Colville Indian Reservation, near Moses Crossing of the Columbia River, with another woman, by whom he has three children; that he states that he does not want his allotment on the old Columbia Reservation, above referred to, and has no intention of ever going back there to live with his former wife, for reasons which the Indian deemed satisfactory to himself.

Charles Iswald signed a relinquishment of allotment MA-20 on January 2, 1894. On March 9, 1894, President Grover Cleveland signed an executive order reassigning allotment MA-20 to Rose Marie.

Rose Marie's surviving child was a daughter named Lucy. Lucy later married Sam Miller, Jr., the son of prominent Wenatchee pioneer and businessman Sam Miller, Sr. In 1909 the Indian census shows Sam Miller, Jr. as 29 years of age and Lucy as 25. Sam Miller, Sr. had married a young Indian woman, the daughter of Mary, the recipient of MA-28, and together they had a son named Sam Miller, Jr. I will say more about Sam Miller, Sr. later.

Sam Miller, Jr.'s wife Lucy died in 1911. Lucy was buried in Wapato John's Indian cemetery at Lake Chelan. Of their seven children, only two survived to adulthood—Henry and Jerome.

Sam Miller, Jr. later married Celia Ann, the granddaughter of In-perk-skin, also known as Columbia Peter, the recipient of MA-21. They had two boys together.

Rose Marie's death was announced in a two-column article in the Wenatchee Daily World on October 2, 1939. The article states that 346 acres of the allotment were sold in 1910 to Wells, Morris, Messerly and Sons for about $20,000. Rose Marie was buried at the Indian cemetery next to Wapato John's Catholic church at Lake Chelan, with Father Fiesst of Twisp reading the services. Henry and Jerome Miller inherited MA-20.

In August of 1957, the Douglas County PUD began exploratory drilling in preparation for the construction of Wells Dam. By the mid-1960s all of MA-20 had been condemned and sold. Historian E. Richard Hart has questioned whether the MA-20 owners received fair treatment in the negotiations and final valuation decisions that were made by the Bureau of Indian Affairs and the Chelan and the Douglas County PUDs. In any case, the trust status of MA-20 ended, and the property passed into the public domain. Henry and Jerome Miller moved from MA-20 onto the MA-27 allotment, to which their grandfather was connected by marriage to the original owner's daughter, Nancy.

MA-21—In-perk-skin or Peter No. 3

[This allotment was sited alongside of the Columbia river two miles north of MA-20, at what is now Azwell Dam.]

Peter No. 3 is also known as Columbia Peter. Columbia Peter and his wife, Anastasia, had two grown children, John Peter and Mary Agatha. John Peter married Mary Nason of the Indians living in the Cashmere area. On March 11 and 12 of 1911, a Saturday and Sunday, John Peter was visiting Sylvester and Elaine Wapato at their home in Chelan along with Billie Ambrose and his wife of Nespelim. They thought they were drinking whiskey, but they had been sold a gallon mixture of wood alcohol and other ingredients. They consumed all but one quart of this mixture. Elaine, Billie Ambrose and his wife all died Sunday night. John Peter died Monday evening. Sylvester Wapato was very ill but survived. Elaine's son from an earlier marriage, Ignas Whistocken, would later marry John Peter's widow, Mary Nason. John Peter and Mary had a daughter, Christine, who was 1 or 2 years old at the time of John's death.

Columbia Peter and Anastasia's daughter Mary Agatha had married and had several children. She was a widow, however, in the 1909 Indian census. Her daughter, a granddaughter of Columbia Peter, later became the second wife of Sam Miller, Jr., giving the Miller family a connection to another of the Moses

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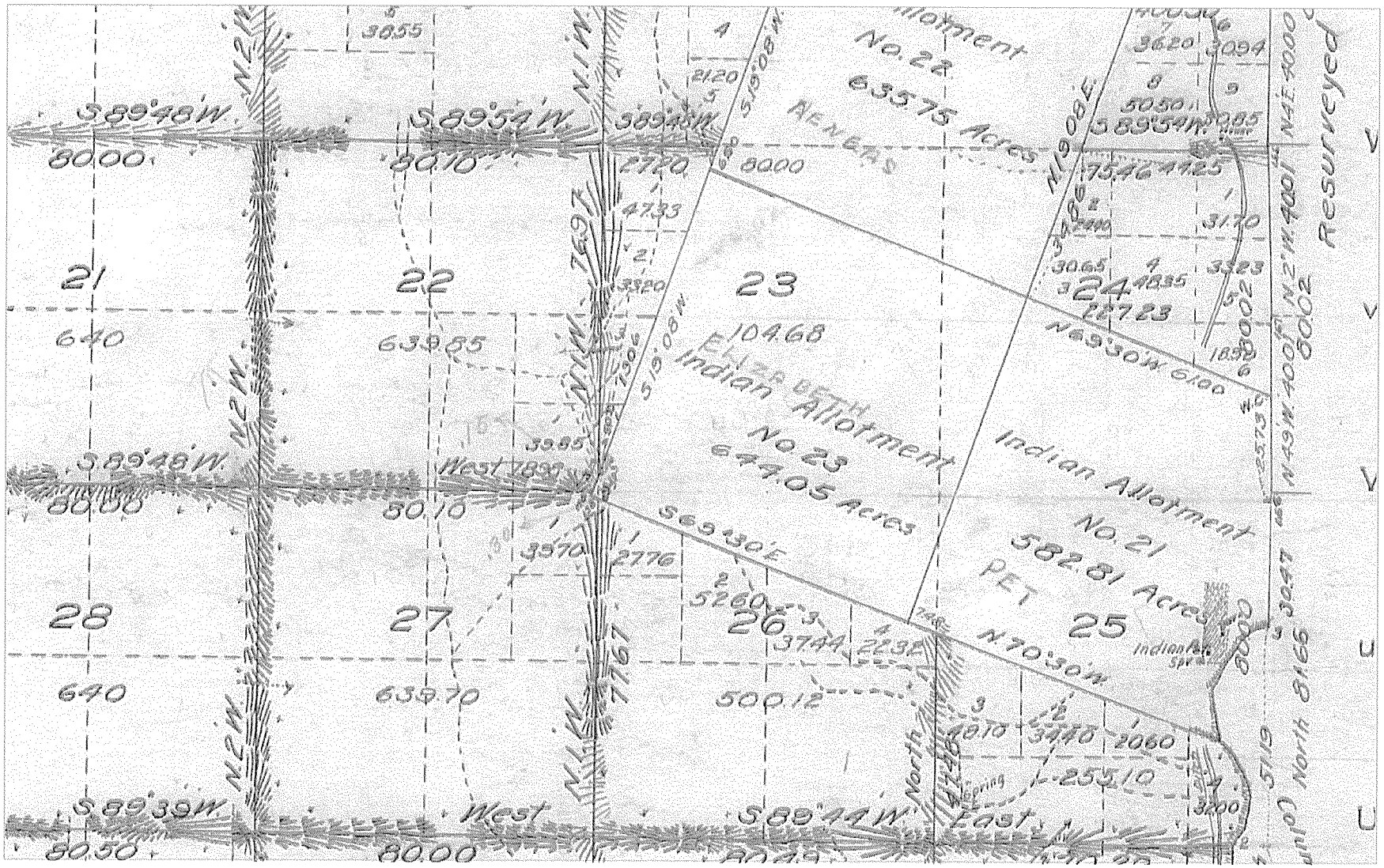

Moses Allotments

MA 21 (Peter No. 3)

MA 22 (Aeneas)

MA 23 (Elizabeth)

26-1

allotments. MA-21 is one of the three Moses allotments that have remained fully intact.

MA-22—Tew-wew-wa-ten-eek or Aeneas

[This allotment was sited just north of MA-21.]

Little is known of Aeneas, except that the 1909 Indian census states that his daughter is Stem-na-lus or Elizabeth, the recipient of MA-23 and the sole heir of MA-22. Both of Elizabeth's parents were dead by 1909. What is known is that MA-22 is no longer in trust.

MA-23—Stem-na-lux or Elizabeth

[This allotment was sited just west of MA-21.]

The 1909 Indian census states that Elizabeth married Tenas Dick and they had two children, Monica and Ignas, 19 and 15 years old, respectively, in 1909. The land is no longer in trust.

MA-24—Neek-kow-it or Captain Joe

[This allotment was sited about one mile northwest of MA-22.]

Captain Joe seems to have died by 1909, since his half-brother, Joe S-when-mouse, was listed as living on the property

along with his wife, Mary, and a son, Narcisse, that he had by a British Columbia woman. All we know is that the property is no longer in trust.

MA-25—Hay-tal-i-cum or Narcisse

[This allotment was sited along the Okanogan river, one mile north of MA-22.]

Little is known of Narcisse except that his daughter, Kleck-hum-tecks, was the owner of MA-26. Narcisse was listed in the 1909 Indian census as being 75 years of age. Kleck-hum-tecks may have inherited MA-25 later. In any case, MA-25 passed into the public domain.

MA-26—Kleck-hum-tecks

[This allotment was sited just north of MA-22.]

The 1909 Indian census says that Kleck-hum-tecks also went by the name of Betsy. Betsy married Alexander, who was the grandson of Ki-wa-kwa or Mary, who owned MA-27, and her husband Soy-akin. Betsy and Alexander are listed as being in their 50s in 1909. MA-26 eventually passed into the public domain.

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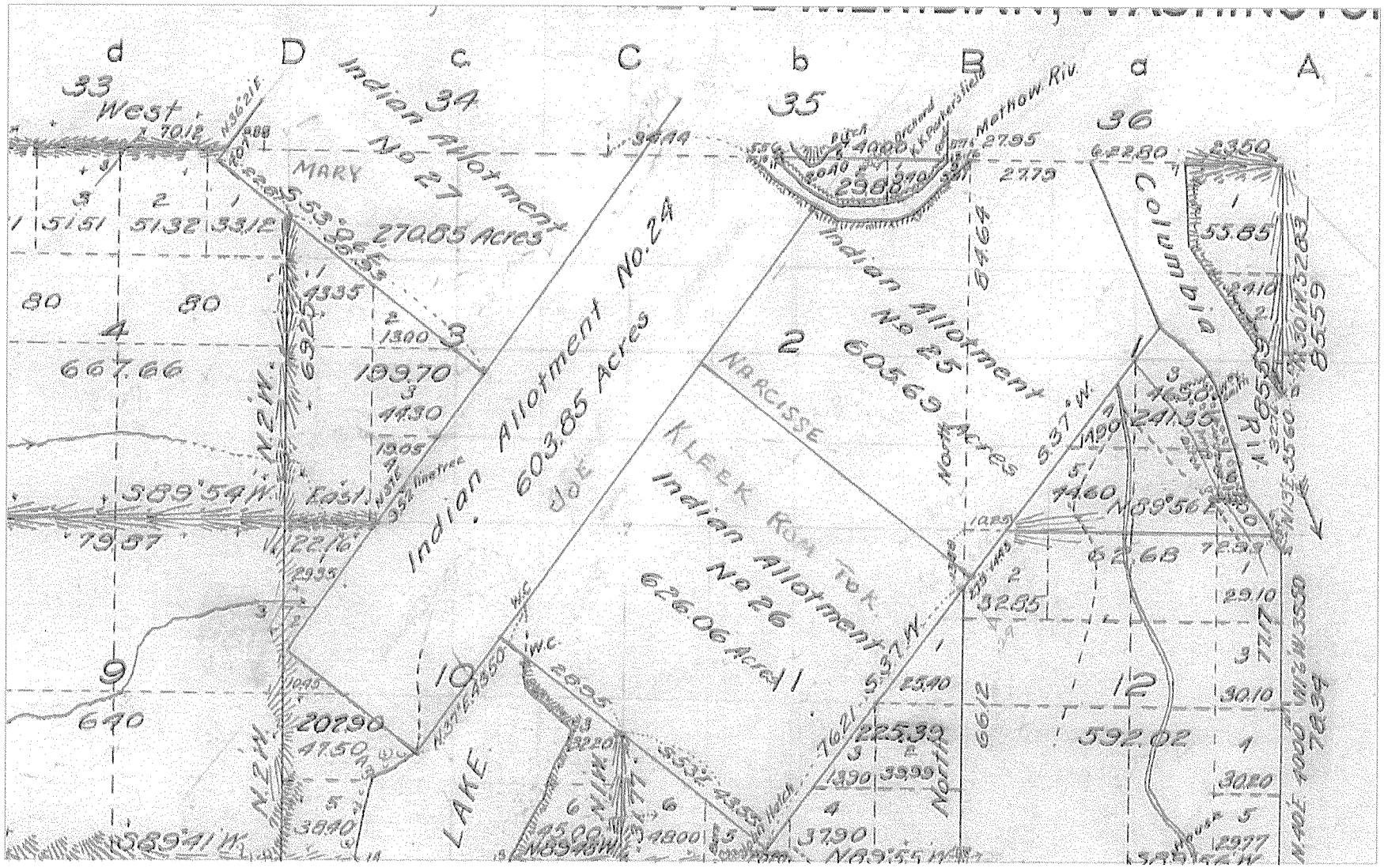

1-82

Moses Allotments

MA24 (Captain Joe)

MA25 (Narcisse)

MA26 (Kleck-hum-tecks)

MA27 (Mary)

MA-27—Ki-at-kwa or Mary

[This allotment was sited just west of MA-24.]

As I noted above, Mary and Soy-akin had a grandson, Alexander, who married Betsy, the owner of MA-26. In 1909 Mary was dead and Soy-akin was 80 years old.

The Miller Story

We now return to the Miller story. Mary and Soy-akin had a daughter named Chos Chostq or Nancy Paul. As the family story goes, Nancy Paul met Sam Miller, Sr. at the confluence of the Methow and Columbia rivers where her family was resting after having traveled some distance. It wasn't long before Nancy Paul and Sam Miller married and she moved to his home in Wenatchee, where he had a trading post with the Freer brothers.

The Wenatchee World of April 20, 1992, reviewed this history in an article "Indian wives helped Wenatchee pioneers" by Steven B. Smith, who wrote, "This is the story, according to descendants of the three men, as recounted by Bernice Gellatly Greene."

> *Samuel C. Miller and the Freer brothers, David and Franklin, became the first white settlers in 1871 in what is now the city of Wenatchee.*

Miller and the Freers met in Oregon. In 1862 they moved to Walla Walla and formed a partnership, running 100 pack mules from Wallula on the Columbia River to the new gold fields at Florence, Idaho. A year later, they extended their operations into Montana. The men made a considerable fortune, but in a few years roads and wagons had replaced pack trains, and they were out of business.

Miller and the Freers came to Wenatchee with the intention of establishing a trading post. The trio constructed a new post at the confluence of the Wenatchee and Columbia rivers. The area was a favorite camping ground for the Indians and assured a good trade. . . All three married, or at least lived with and had children by, Indian women. These alliances had commercial benefits, since the women could operate the store and communicate with the customers in their own language.

Franklin Freer married Quihnmeetsa, the oldest daughter of the Entiat chief. They had two girls, Mattie and Minnie, in 1875 and 1877, respectively. Franklin Freer died in 1877. David Freer married Franklin's widow and they had a son, John. Then his wife died. He married another Indian woman and they had two girls, Lucy and Hattie. Then David Freer died in 1888. Sam Miller took over caring for the five Freer children and David's

widow. Sam Miller's wife had become lonely in Wenatchee and had long since returned to her mother's allotment, MA-27, where she had their child, whom she named Sam Miller, Jr.

Smith ends his article with this:

Miller was known as a kind and considerate man, and particularly generous in looking after the Freer children. He was well repaid. Mattie Freer Morris, Quihnmeetsa's daughter, cared for him in her home in his old age. Samuel C. Miller died in 1906 and was buried in the Wenatchee cemetery.

Historian E. Richard Hart wrote a paper "MA-27" dated January 26, 2012, which he writes the following:

Big Mary, or Kiakwa, died in about 1900 at the age of 75. At that time one third of the estate went to her husband, Soyakin. Her four children received equal shares of one sixth each. Their heirs subsequently inherited portions of the allotment. In 1910 O. Laurgaard purchased 512.82 acres for $10,712.24. The remaining 108.79 acres was in Lot 7 of Section 34 and Lot 3 of Section 35 in Township 30 North, Range 23 East. In 1964 Nancy Tom Johnson and Jerome Miller conveyed

their interest in the remainder of MA-27 to Lewis Miller. The remaining people who had an interest in the allotment sold their interest to Lewis Miller during the same year. Various people retain an interest in mineral rights on the remainder of the allotment. In 1966, Fred C. Ashley did an appraisal of MA-27, now held by Lewis Miller and his wife Elsie Miller. He apparently concluded that if a 14 acre parcel was acquired by the Douglas County PUD, the remainder of the tract would not be damaged by the taking. On July 24, 1967, the Bureau of Indian Affairs Area Director in Portland approved the sale of the fourteen acre tract from the Millers to Douglas County PUD for consideration of $1,200.

Joanna Bastian wrote in the Methow Valley News of December 16, 2015:

The Miller family members in the lower Methow Valley are direct descendants of Chief Neekowit's sister, Mary. Siblings Lewis Jr., Thomas Senior, Cyndy and Mark, along with their families, live on land long inhabited by previous generations of the Methow Tribe. On their father's side, they are direct descendants of Sam Miller, founder of Wenatchee, and namesake of Miller Avenue there.

This is one of the few Moses allotments remaining intact. In this case, cooperation and coordination among heirs managed to limit fractional ownership and allow for the continued family occupation and use of the property.

MA-28 Tat-tat-kein or Tom

[This allotment was sited just west of MA-27.]

Little is known of Tom. The 1909 Indian census shows Tom deceased and his widow, Sko-polks, at age 71, living with her son Little Jimmie, or Chelan Jimmie, near Okanogan. Tom's other son, Quis-is-kin, also known as Billy, Tom or Squeeze, age 30, was residing in the Walla Walla penitentiary. This allotment passed into the public domain.

MA-29 La-la-elque

[This allotment was sited along the Columbia river, two miles west of the present town of Brewster.]

The 1909 Indian census showed a granddaughter of La-la-elque by the name of Susanne, age 45. This allotment passed into the public domain.

MA-30 Snain-chucks

[This allotment was sited just north of MA-29.]

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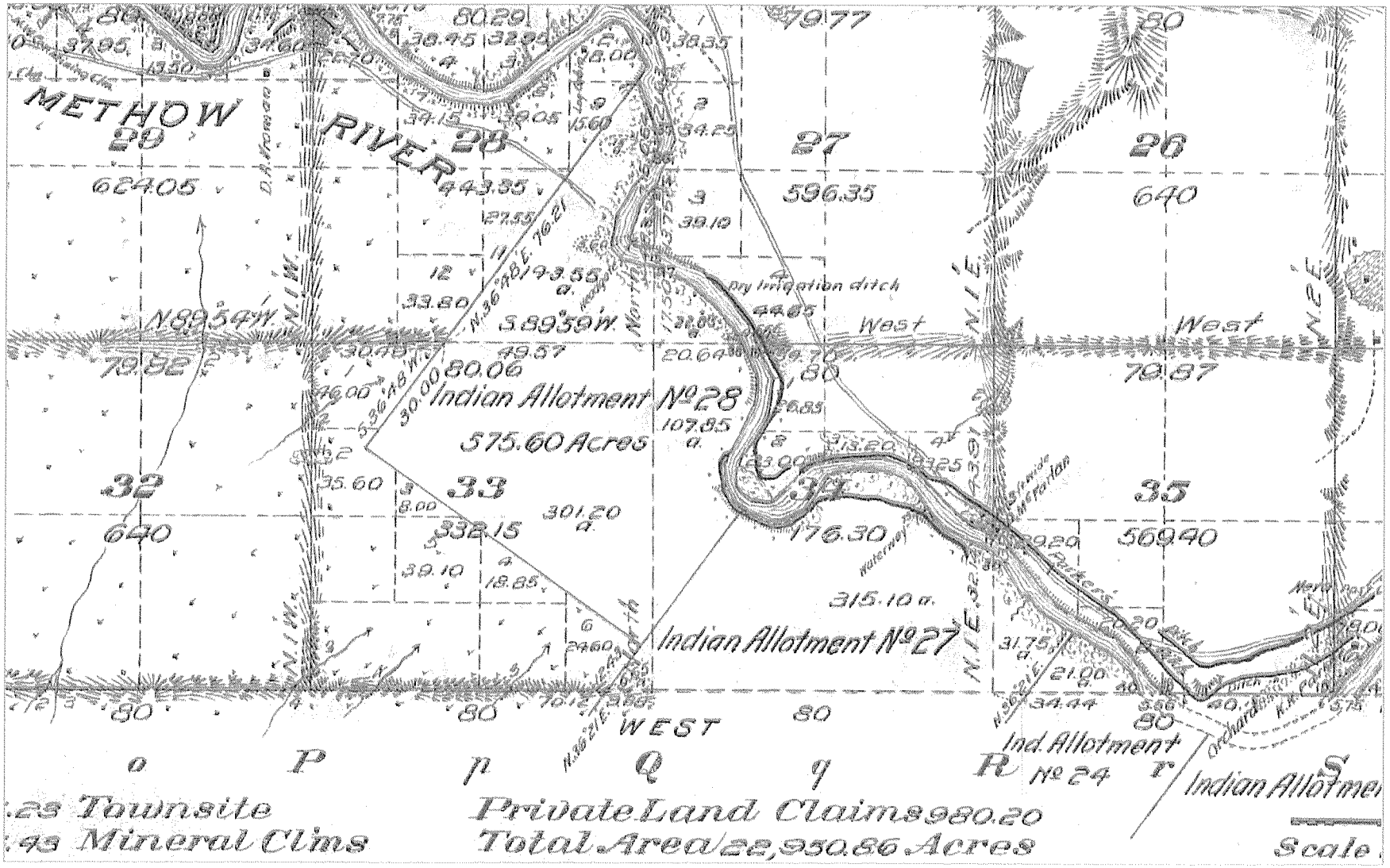

33-1

Moses Allotment

MA28 (Tom)

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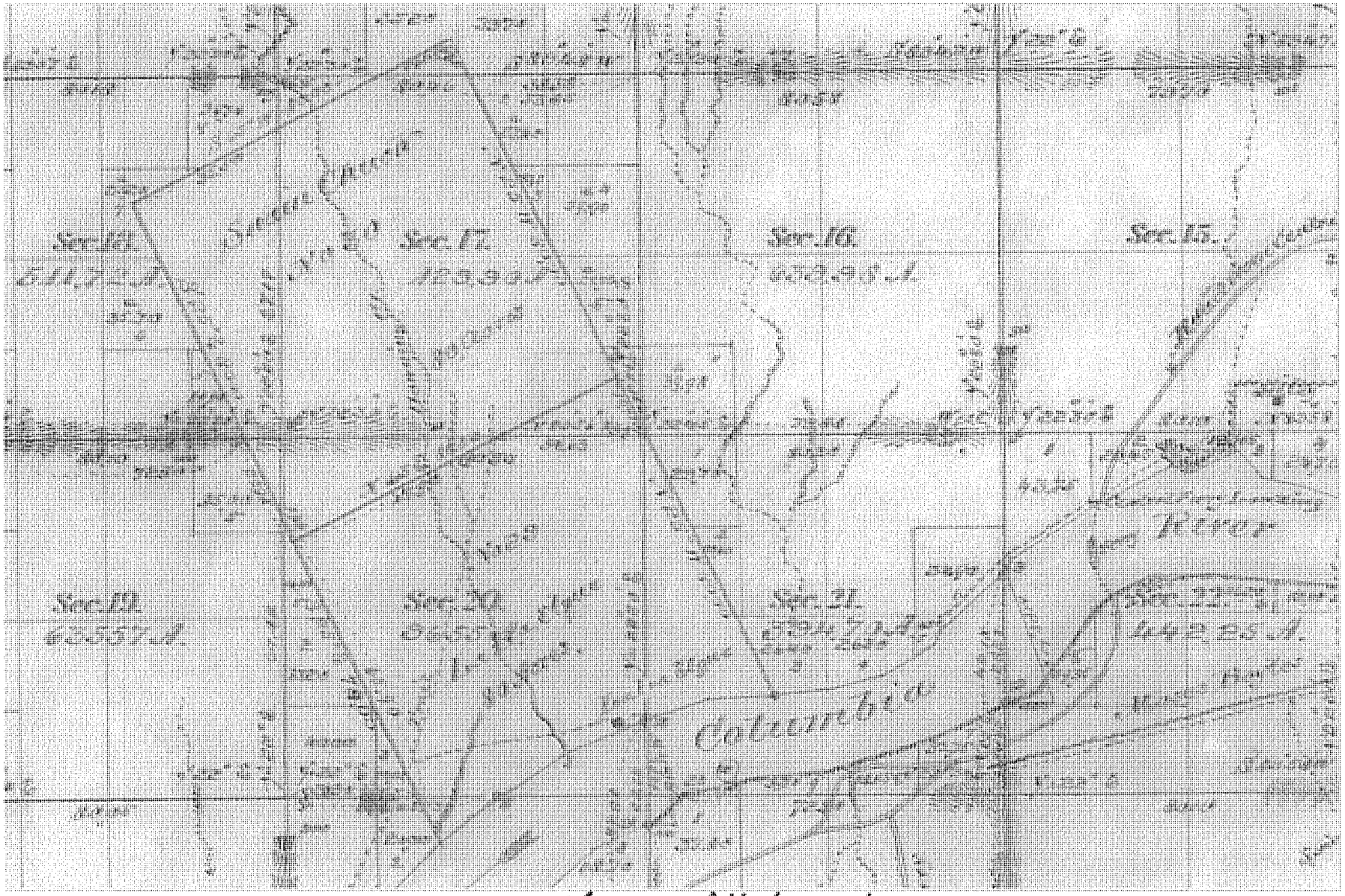

Moses Allotments

MA 29 (La-la-elyue)

MA 30 (Snain-chucks)

33-2

The 1909 Indian census stated that this allotment was relinquished on March 15, 1904. It passed into the public domain.

MA-31 Edward

[This allotment was sited one mile northwest of the top of Palmer Lake and is 10 miles west of the present town of Oroville.]

The 1909 Indian census stated that Edward or Se-lus-kin was the brother of Dominec who owned MA-32. Edward was 50 years old in 1909. This allotment remains intact and in trust.

MA-32 Dominec

[This allotment was sited along the Canadian border along the course of the Similkameen river and is about five miles northwest of the top of Palmer Lake. This allotment is also 12 miles west of Lake Osoyoos.]

This was the northernmost allotment, abutting the Canadian border. The 1909 Indian census states that Dominec was the brother of Edward of MA-31. In 1909, Dominec was deceased and his 45-year-old widow, Madelene, was recorded. This allotment ultimately passed into the public domain.

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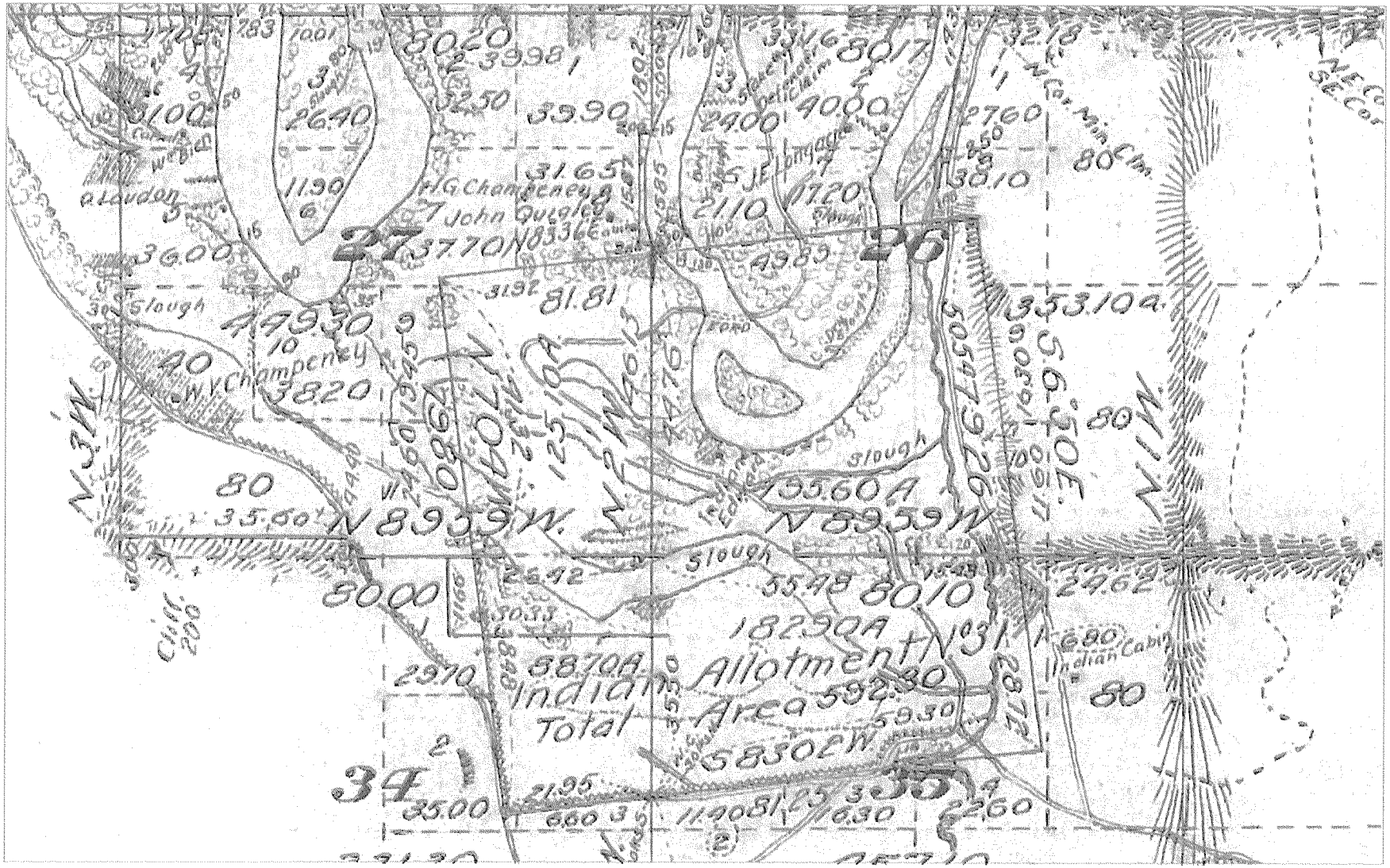
Allotment
Area
Total
Indian
Slough
Slough
Slough
Ford
Indian Cabin
N 89.59 W.
N 89.59 W.
N 89.59 W.

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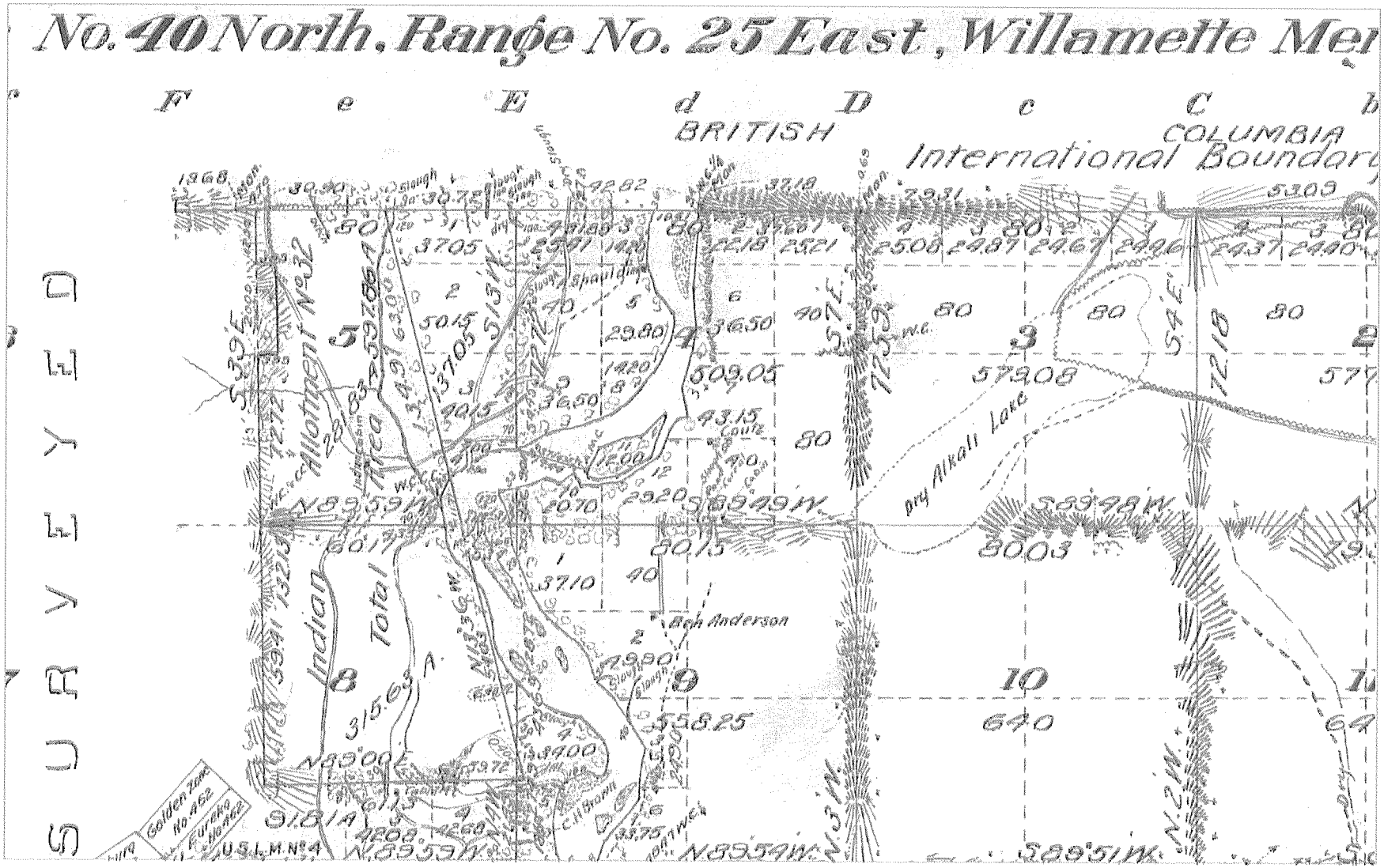

Moses Allotment

MA 32 (Dominec)

34-2

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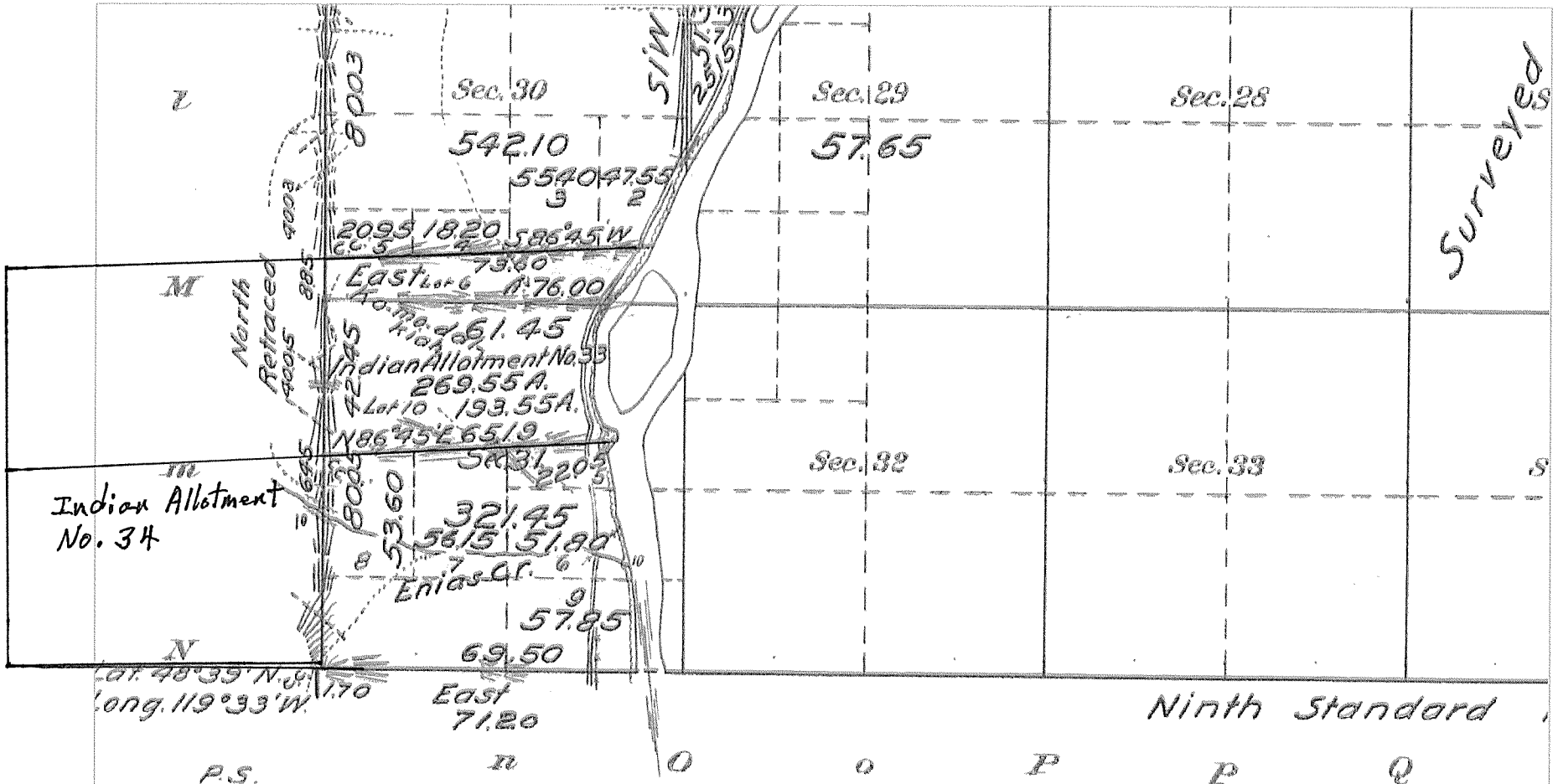

Surveys Designated.	By Whom Surveyed.	Contract No.	Contract Date	Amount of Surveys Mls.	chs.	lks.	When Survey Begun.	C
Subdivisions	Joseph M. Snow	622	Oct. 18, 1904	16	58	80	Aug. 8, 1905	A.

34-3

Moses Allotments

MA33 (Ko-mo-dal-Kiah)

MA34 (Paul)

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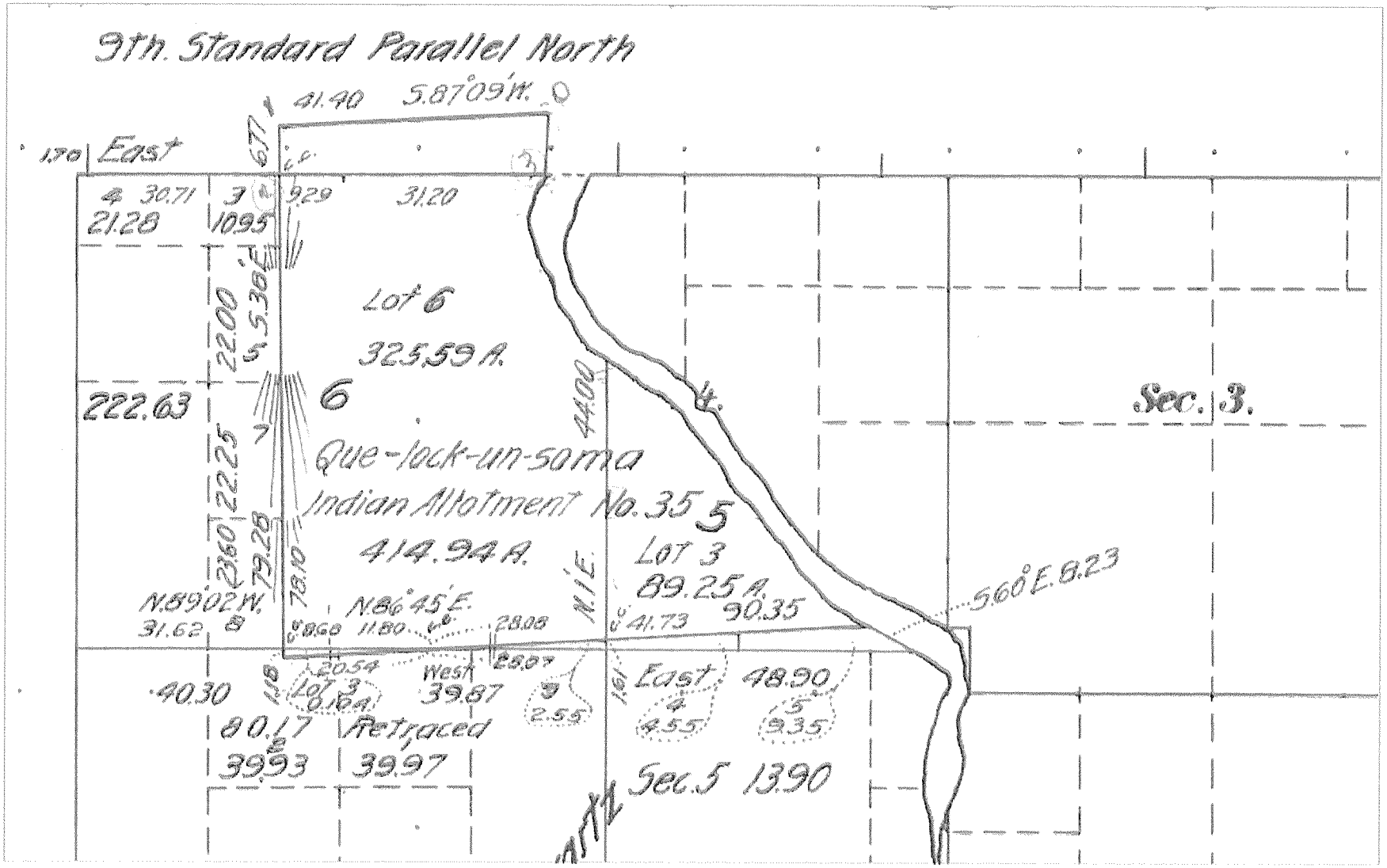

34-4

Moses Allotment

MA35 (Que-lock-vs-soma)

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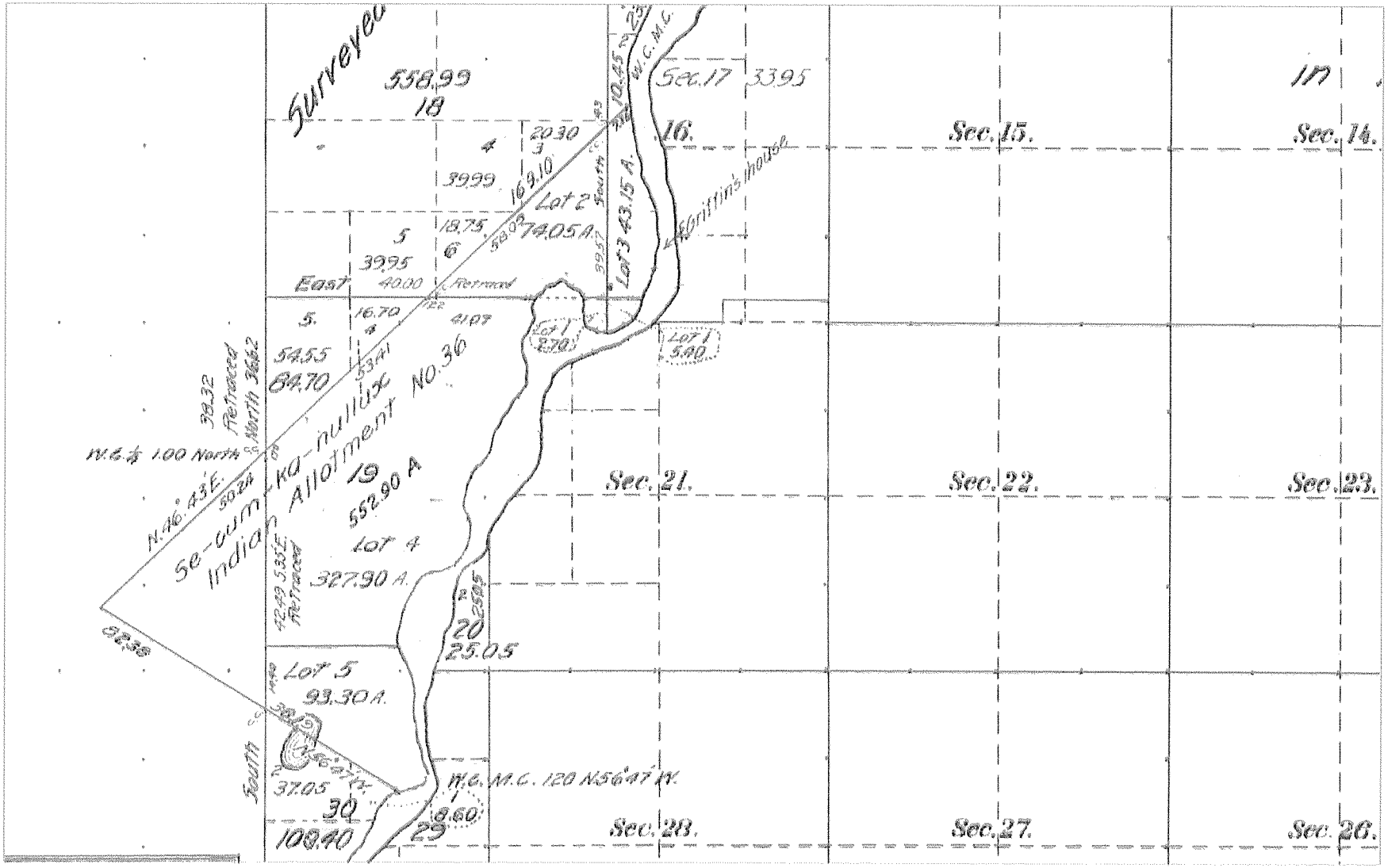


Moses Allotment

MA36 (Se-cum-Ka-nallux)

34-5

MA-33 Ko-mo-dal-klah, MA-34 Paul, MA-35 Que-lock-us-soma, MA-36 Se-cum-ka-nallus

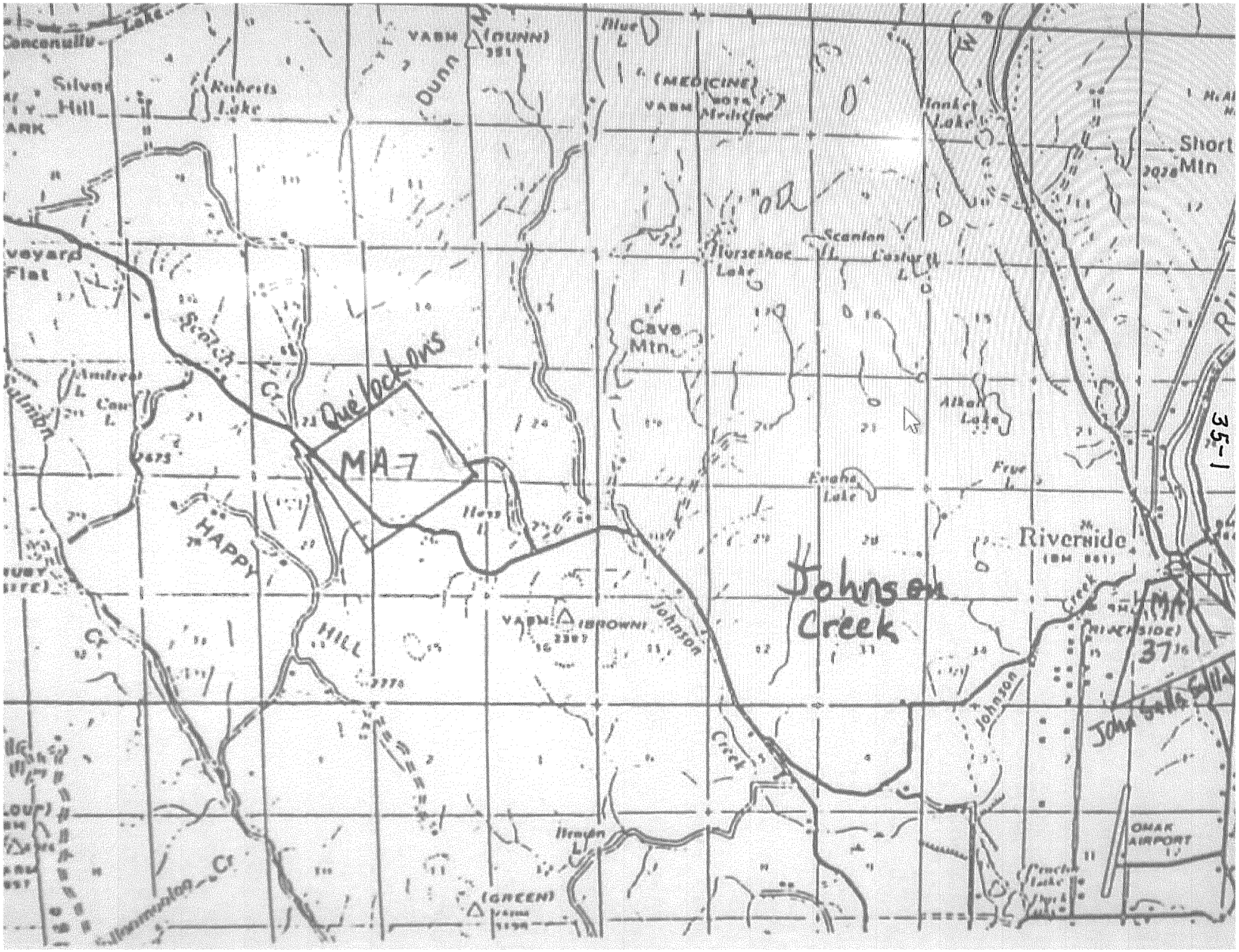
[These allotments were sited along the Okanagan river south of the town of Tonasket.]

About these allotment recipients I have found no information, but the lands returned to the public domain.

MA-37 John Salla-Salla

[This allotment was sited on the Okanogan river, one mile south of the present town of Riverside.]

This allotment was cancelled, and the land restored to the public domain by an executive order of President Grover Cleveland on January 19, 1895, for the reason of cancellation. Possibly, John Salla-Salla changed his mind and went to the Colville reservation to live. The original allotment was located on the west side of the Okanogan river near the current town of Riverside, near where Johnson creek meets the Okanogan river. The allotment can be seen on the far right side of the BLM map.


Silver Hill
Roberts Lake
Dunn
(MEDICINE)
Short Mtn
Cave Mtn.
Quelock Ck
MA-7
HAPPY
HILL
Johnson Creek
Riverside
(BM 861)
Johnson
Creek
(BROWN)
(GREEN)
OMAR AIRPORT
35-1

MA-37 (John Salla-Salla)

EXECUTIVE MANSION, January 19, 1895

It is hereby ordered that the tract of land embraced in allotment No. 37, located in the State of Washington, made to an Indian named John Salla-Salla, by the Acting Secretary of the Interior, April 12, 1886, under the Moses agreement entered into July 7, 1883, ratified and confirmed by act of Congress approved July 4, 1884 (23 Stats. pp. 79, 80, lying within the following-described boundaries, viz:

"Commencing at the junction of Johnston Creek and the Okanagon (Okinakane) River; thence by Johnston Creek (variation 22 degrees 15 minutes) south 69 degrees 45 minutes west 40 chains; built monument of stone on the south bank of Johnson Creek Station--; 8degrees 15 minutes west 91.54 chains; built monument of basaltic stone, station--; north 69 degrees 45 minutes east 117.50 chains to the Okanagon (Okinakane) River; set balm stake 4 inches square, 4 feet long, marked Station 3, north 45 degrees 30 minutes west 86.53 chains to the place of beginning, the mouth of Johnston Creek. Area 630 acres," and set apart by Executive order of May 1, 1886, for the exclusive use and occupation of said allottee, be, and the same is hereby, restored to the public domain, upon the cancellation of said allotment, which is hereby directed.

GROVER CLEVELAND

Chelan Indian Allotments (MA-38, MA-39, MA-40)

The next three allotments, awarded in 1890 to Indians of the Chelan tribe are bound up in a common historical background. These allotments were awarded seven years after the Moses Agreement of 1883 and four years after the first 37 allotments were officially formalized in 1886.

An Indian census taken mid-year 1870 shows that the number of people in the Chelan tribe at that time was 79, consisting of 19 men, 20 women, 27 boys and 13 girls. The Chelan chief was En-e-mo-seet-sa, the name said to mean Rainbow Robe. He was also known as Bill. One of his sons was Ar-cha-chan, who would become better known as Long Jim for his six-foot height and ram-rod bearing. Chief En-e-mo-seet-sa died in 1882. Ar-cha-chan was his oldest living son at this time. The 1909 Indian census gives Long Jim's age at that time as 40, which would make his birth year 1864. If this is correct, then Long Jim was 18 years old at his father's death in 1882, when he became chief of the Chelan tribe. In any case, he couldn't have been much older, and he took on the role of chief at a young age. Long Jim entered this role at a critical time for his tribe. Just one year later, in 1883, Chief Moses went to Washington, D.C., and made what came to be called the Moses Agreement.

Ruby and Brown wrote in Half-Sun on the Columbia:

In 1885, U.S. government officials] decided to journey over to Lake Chelan to urge Innomoseecha Jim to have his lands surveyed. Innomoseecha, backed by about twenty-five of his tribe, tried to explain the universal Indian abhorrence of cutting the earth into pieces, a concept the government officials were unable to understand. [page 223]

Indians of other tribes deciding to remain on the ceded Moses Reservation had registered their intention of staying and had accepted allotments there under the provisions of the agreement. The Chelans, however, still convinced that it was sacrilege to survey and sectionalize their ancestral domain, had simply remained without making any effort to comply with the agreement; and the two years allowed them to express their choice had expired. [pages 269-270]

There is a story of a confrontation between Long Jim and Moses at the turbulent settlement of Ives at the mouth of the Methow River. There, it is said, Moses offered the hand of friendship to the son of his old lieutenant, only to have the younger man refuse it because he believed that Moses had given away land belonging to the Chelans when he surrendered the Columbia Reservation. [page 308]

Long Jim in 1883 was a young man of about 20 years of age. Would his father have dealt with the situation differently? Did Long Jim's youth and inexperience work to the detriment of his tribe? The answers are unknowable. But Long Jim's approach was in sharp contrast to the leadership of Wapato John, who lived just seven miles up the north shore from the Long Jim encampment. Wapato John was older, far more experienced, and far more knowledgeable and adept at taking the best advantage of a situation he knew he could not change or control. Wapato John did not like the influx of white settlers and the carving up of the land any more than did Long Jim, but Wapato John knew that the changes underway could not be stopped or reversed.

Unlike Long Jim, Wapato John had spent time in his youth, perhaps a few years, in the mid-1850s, living and working in the polyglot world of Astoria, Oregon, that was already overrun by outsiders from all over the world. There were Western Europeans, Eastern Europeans, Russians, Orientals of all kinds, and even 300 Hawaiians sent by their king to work for Hudson's Bay Company in exchange for needed lumber. Wapato John had seen firsthand the flood of people from all over the world entering the American Indians' land. And he could see that this flood was unstoppable. He observed Western land-use laws, commercial agriculture, trading posts and the frenzy of multi-ethnic and multi-national commercial activity. So, years later in 1883, when the need arose, he could bend and adjust to the

inevitable and convince his small group of followers to follow his path. He and his people applied for the Moses allotments and remained in place. It wasn't to be a final solution, but it bought years of stability in a rapidly changing world.

Numerous Chelan Indians had been eligible to apply for Moses allotments, and they could have remained in their ancestral home. But Long Jim held out against doing that, and his people followed his lead. In the end, nearly all of the Chelan tribe of Indians migrated voluntarily or were compelled by the Army to move to the Colville reservation. Ultimately, just three of the Chelan tribe were given allotments, in 1890, seven years after the Moses Agreement of 1883.

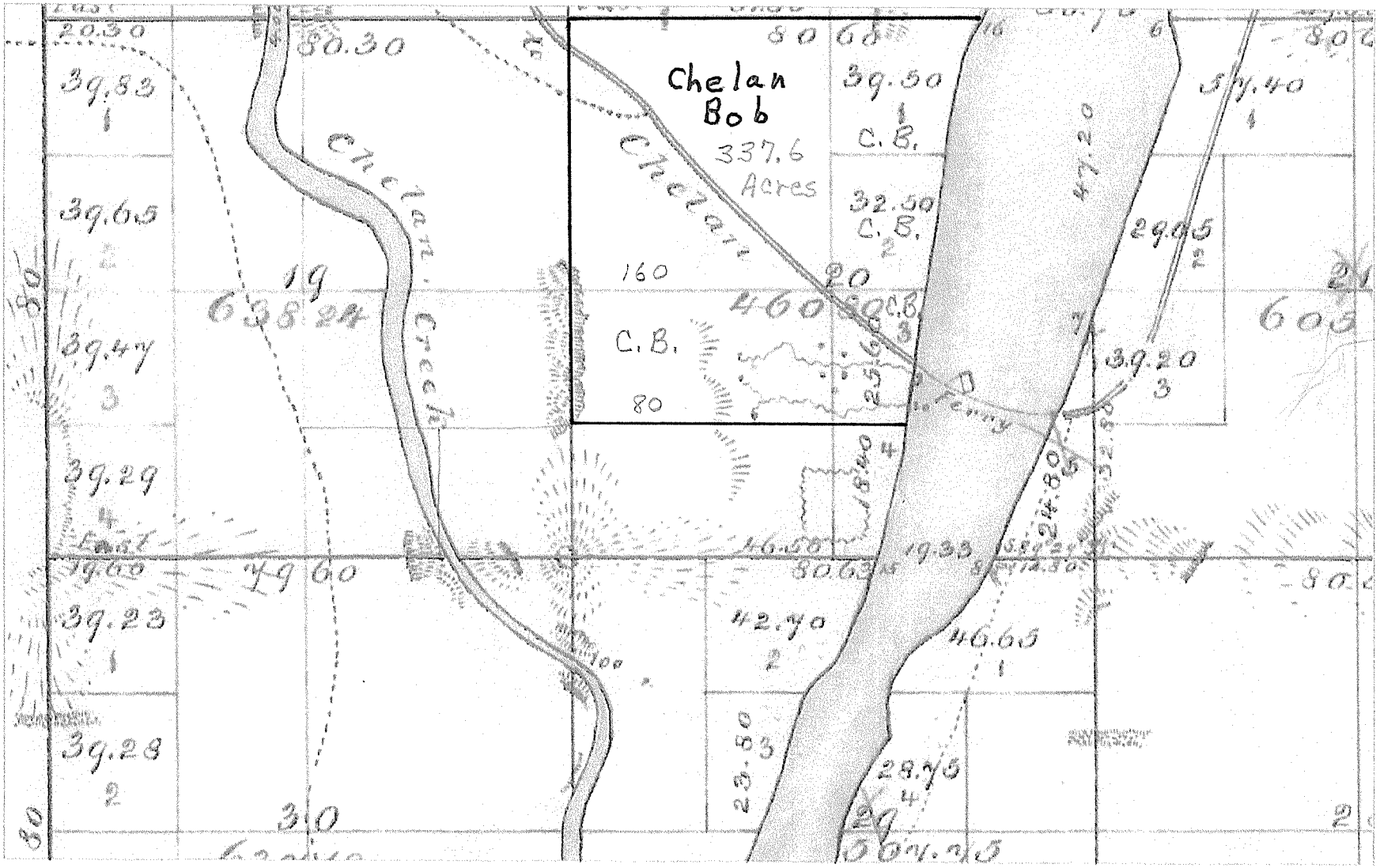
Initially Chelan Bob, Cultus Jim and Long Jim stayed on their traditional land without taking allotments as the world was changing around them. In 1890 the Interior Department encouraged them to claim allotments at the land office in Waterville. Chelan Bob applied for 337.60 acres on November 28, 1890; Cultus Jim applied for 209.40 acres on December 1, 1890; and Long Jim applied for 525.30 acres on the same day.

However, in 1890 Chelan Bob and Cultus Jim were chased off their land along the Columbia river by white settlers, who said the Indians had not properly taken allotments and had no legal right to the land. Long Jim "sold" his land on the north shore of Lake Chelan in 1890 without having a title, only to have the courts reverse the "sale" of something he had no right to sell under American law.

These events led the Interior Department to undertake lengthy litigation on behalf of the three Indians. The legal case involving Chelan Bob and Cultus Jim and their land went on for years, reaching a final verdict in 1897 in which the whites were evicted from the lands they had taken from the Indians. The U. S. Circuit Court in Washington D.C. wrote:

> *In the first place, these Indians were not bound by the agreement entered into by Chief Moses, for the reason that they never gave their assent, and Moses had no authority to represent them; and, in the second place, the act of congress contained no provision forfeiting rights for failure on the part of the Indians to make selection of particular land. The law only requires them to elect within one year whether they will continue to reside within the boundaries of the former Columbia reservation. . . The law imposes upon the secretary of the interior, and not upon the Indians, the duty of selecting lands for their use; and the president was not authorized to restore any part of the Columbia reservation to the public domain, and to open the same for settlement under the homestead law, until after selections for the use of the Indians had been made.*

With this decision the trespassers on allotments MA-38 and MA-39 were ordered off the land


Chelan Bob
337.6 Acres
C. B.
160
C. B.
80
Chelan Creek
Chelan Creek
39.83
39.63
39.47
39.29
39.23
39.28
39.50
32.50
C. B.
2
39.40
29.95
39.20
3
42.70
46.63
29.75
4
23.50
3
East
19
20
21
30
30.30
20.30
80.68
80.62
80.63
80.62
80.62
80.62

MA-38 Chelan Bob

[This allotment was sited on the Columbia river, about one mile north of the present town of Chelan Falls.]

Chelan Bob was married to Long Jim's older sister, Mary. Bob was also known as Crooked Mouth Bob due to a severe facial injury he had sustained. Chelan Bob and his wife lived on their allotment for quite some years. Then Chelan Bob died in a wagon accident one evening in mid-March of 1912. The Chelan Leader of March 16, 1912, tells the story.

> *CROOKED MOUTH BOB IS DEAD*
> *Noted Indian Victim of a Runaway Accident at Chelan*
> *CHELAN FALLS, March 16.*
> *Crooked-mouthed Bob, a well-known Indian of Chelan and vicinity, who lives near the mouth of the Chelan river, died Friday afternoon from injuries received in a runaway accident Thursday night. While he and several other Indians were returning home from Chelan in a big wagon late Thursday night their team became frightened and ran away, throwing the occupants out. While they were all more or less hurt, Bob was the only one whose injuries were serious. He lived only a few hours after the accident.*

Sometime after Chelan Bob's death, his heirs sold the land and it entered the public domain.

MA-39 Cultus Jim

[This allotment was sited on the Columbia river at the present town of Chelan Falls.]

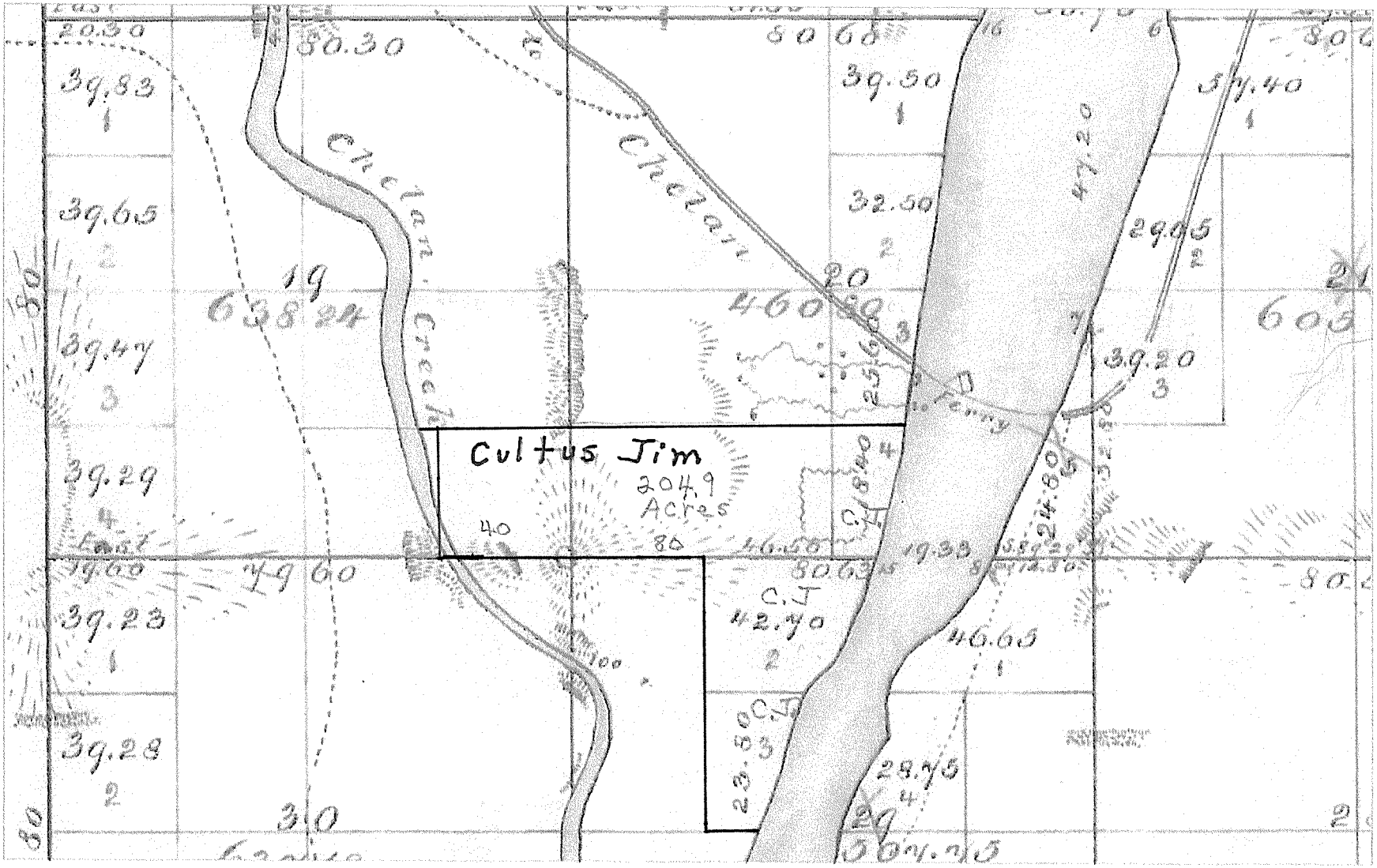
Cultus Jim was another well-known Indian of the Chelan tribe who lived at Chelan Falls. In Chinook jargon the word "cultus" means worthless or bad. This indicates that many people found Jim difficult to get along with and this is confirmed by several newspaper stories in the Chelan Leader during Jim's life.

Eventually, this allotment entered the public domain.

MA-40 Long Jim

[This allotment was sited on the north shore of Lake Chelan about where Spader Bay and the Chelan City Park are now located. The allotment ran north from the lakefront.]

In a court case, R.W. Starr vs Long Jim and Annie, decided February 24, 1913, the adjudication of the "sale" of Long Jim's allotment to R. W. Starr finally came to a close.



Moses Allotment
MA39
Cultus Jim

4-21

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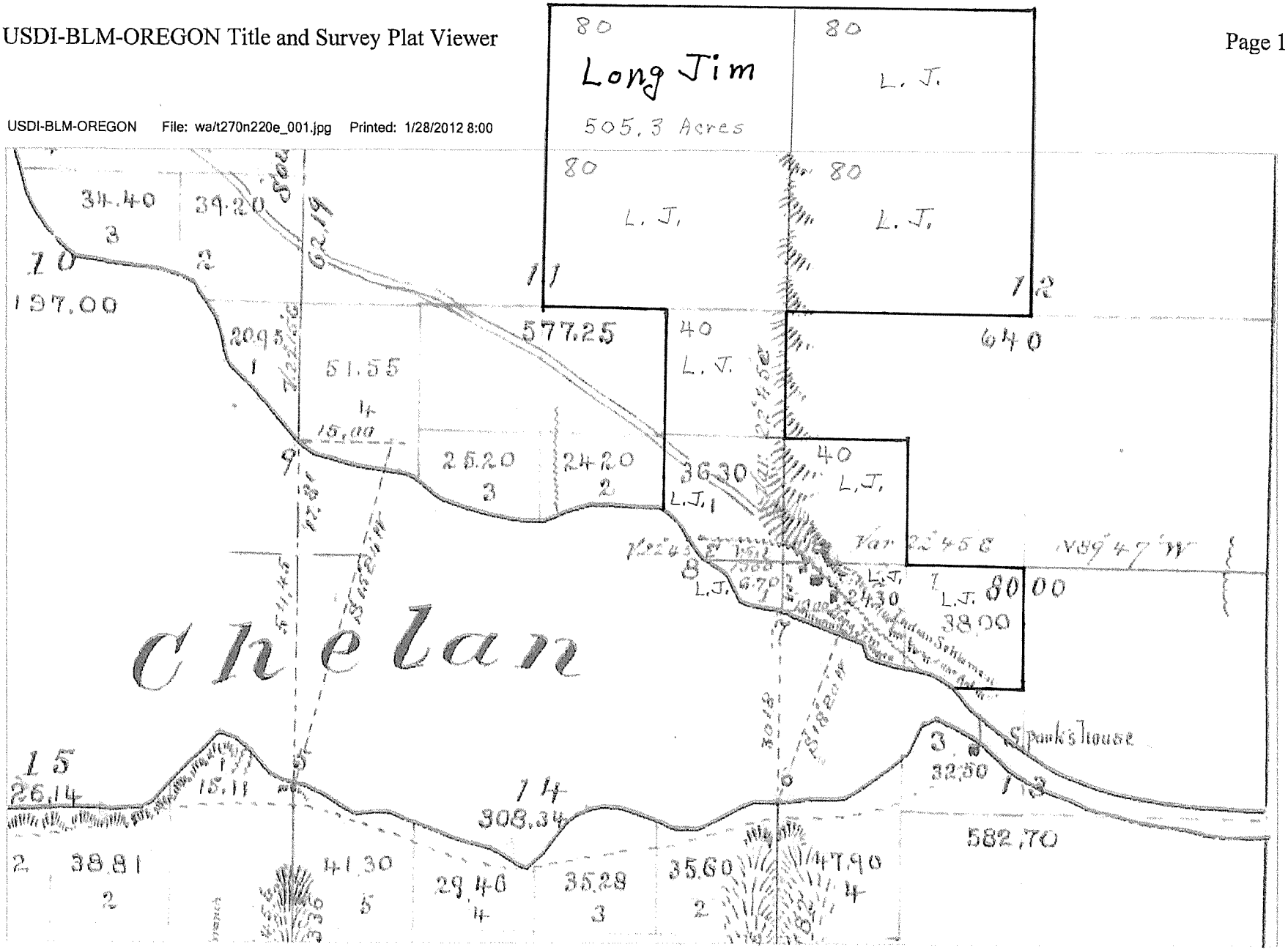

Moses Allotment
MA 40
Long Jim

42-2

MA-38, MA-39, MA-40

Chelan Bob, Cultus Jim and Long Jim

Now, therefore, I, Hoke Smith, Secretary of the Interior, in accordance with the provisions of the said agreement, ratified by the said act of Congress, and under the said decision of the General Land Office, affirmed by the Department, do hereby set apart for the exclusive use and occupation of said Indians the following-described lands, namely:

For Chelan Bob the NW 1/4, N 1/2 SW 1/4, and lots 1, 2, and 3 of sec. 20, T. 27 N, R. 23 E, Willamette meridian, containing 337.60 acres.

For Cultus Jim the SE 1/4 SE 1/4 of sec. 20, and lots 2 and 3 of sec. 29 of the same township and range, containing 209.40 acres; and

For Long Jim the NE 1/4 NW 1/4 SE 1/4 and lot 1 of sec. 11, W 1/2 sec. 12, lot 1 of sec. 14, and lots 1 and 2 of sec. 13, T 27 N, R 22 E, Williamette merdian, containing 525.30 acres all in the State of Washington.

HOKE SMITH, Secretary

April 11, 1894

[The Cultus Jim acreage should have read 204.9. And the Long Jim allotment description should have read "NE 1/4, NW 1/4 SE 1/4 and lot 1 of sec. 11" as the 1905 act of Congress (33 Stat. at L. 1065) shows. The original acreage was 625.30 not 525.30.]

MA-40 (Long Jim)

The department order of April 11, 1894, setting aside certain lands under the Moses agreement concluded July 7, 1883, ratified and confirmed by act of Congress approved July 4, 1884 (23 Stats., pp. 79-80), for the exclusive use and benefit respectively of the Indians therein named (Chelan Bob, Cultus Jim, and Long Jim), is hereby modified and changed so as to eliminate from the allotment made to Long Jim the following described lands. The E 1/2 of the SW 1/4 and the NW 1/4 of the SW 1/4 of sec. 12, 27 N, R 22 E, Willamette meridian, Washington, the said lands being embraced in the entry of Thomas R. Gibson, No. 1586, which said entry remans intact upon the records of the General Land Office under Department decision of September 23, 1893, modifying Department decision of January 6, 1893, so as to omit from affirmance that part of the General Land Office decision dated July 9, 1892, wherein that office suspended the commuted entry of said Gibson, the allotment to said Indian, Long Jim, as corrected, embracing the following described lands: The NE 1/4 of the NE 1/4 of the SE 1/4 and lot 1 of sec. 11, the NW 1/4 and SW 1/4 of the SW 1/4 of sec. 12, lot 1 of sec. 14, and lots 1 and 2 of sec. 13, T 27 N, R 22 E, Willamette meridian, Washington.

HOKE SMITH, Secretary

April 20, 1894

[Congress, in 1905, fixed the section 11 error; acreage is 505.3.]

42-5
MA-40 (Long Jim)

INDIAN AFFAIRS: LAWS AND TREATIES

Vol. III, Laws (Compiled to December 1, 1913)

Compiled and edited by Charles J. Kappler. Washington : Government Printing Office, 1913.

 March 3, 1905 (33 Stat., 1065)

That the Secretary of the Interior be, and hereby is, authorized and directed to issue a patent in fee to Long Jim for the lands heretofore allotted to him by the Secretary of the Interior on April eleventh, eighteen hundred and ninety-four, as modified and changed by Department order of April twentieth, eighteen hundred and ninety-four, under and by virtue of the agreement concluded July seventh, eighteen hundred and eighty-three, by and between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville reservations, commonly known as the "Moses agreement," accepted, ratified, and confirmed by the act of Congress approved July fourth, eighteen hundred and eighty-four (Twenty-third Statutes, pages seventy-nine and eighty), and under the decision of the General Land Office of July ninth, eighteen hundred and ninety-two, affirmed by the Department of the Interior January sixth, eighteen hundred and ninety-three, to wit: the northeast quarter, northeast quarter of the southeast quarter and lot one of section eleven, the northwest quarter and southwest quarter of the southwest quarter of section twelve, lot one of section fourteen, and lots one and two of section thirteen, township twenty-seven north, range twenty-two east, Willamette meridian, Washington, free of all restrictions as to sale, incumbrance, or taxation.[2]

[2] Starr v. Long Jim, 227 U. S., 613.

. . . the Secretary of the Interior, in the year 1894, set apart for the exclusive use and occupation of Long Jim a certain allotment on the Columbia Reservation, included in which are the lands in the present action.

On March 29, 1900, Long Jim and his wife, by warranty deed, in consideration of the sum of $2,000, assumed to convey the lands in question to the plaintiff. Up to this time no patent had been issued by the government.

Since it is entirely plain, in the case before us, that the title to the lands in question was retained by the United States for reasons of public policy, and in order to protect the Indians against their own improvidence, it follows as a matter of course that a conveyance made by one of them, before the title was vested in him pursuant to the act of 1905, was in the very teeth of the policy of the law, and could not operate as a conveyance.

Long Jim and Annie moved up near Brewster in about 1890, when he "sold" his allotment MA-40. Long Jim was disgusted with everything that was happening to his ancestral lands and had no intention of staying on a small piece of what remained, separated from his people. He had "sold" his allotment to the attorney and former Waterville land register agent R.W. Starr. It is hard to believe that Starr did not understand the impropriety of his arrangement with Long Jim and Annie. Perhaps Starr thought the fact of the sale would eventually win the day. In any

case, it didn't work. After the "sale" was voided and the allotment was officially returned to Long Jim, the Act of 1905 kicked in and Long Jim then legitimately sold his allotment and it passed into the public domain.

That special act of Congress passed on March 3, 1905, (33 Stat. at L. 1065, chap. 1479), stated:

> *That the Secretary of the Interior be, and hereby is, authorized and directed to issue a patent in fee to Long Jim for the lands heretofore allotted to him by the Secretary of the Interior on April eleventh, eighteen hundred and ninety-four, as modified and changed by Department order of April twentieth, eighteen hundred and ninety-four. . . free of all restrictions as to sale, incumbrance, or taxation.*

A fee simple patent on the land was issued to Long Jim on August 2, 1905. And Long Jim quickly sold the last bit of his ancestral land once the Starr case was settled. The *Chelan Leader* of June 12, 1913, picked up the story:

> *Platting Long Jim Lands.*
>
> *Messrs. Foote, Lord and Blakeney, who recently acquired a portion of the Long Jim allotment which has been in litigation so long, are preparing to plat forty acres of their holdings into town lots as an addition to*

Chelan, and F. H. McGuinn, of Brewster, and a party of assistants are running out lines this week preparatory to surveying the land for platting.

The forty acres to be platted now is that adjoining the town site and which was formerly platted by R.W. Starr and this will be put on the market at once. Later some of the other land will be platted.

MA-40 had passed into the public domain.

Some History of the Moses Allotment Trust Patents

Trust Patents

The original trust patents given to the owners of the Moses allotments on March 8, 1906, were to be in force for 10 years, at which point, on March 8, 1916, the Interior Department was instructed by Congress (34 Stat., 55) to issue fee simple patents to the owners. At this point the Moses allotments as trust properties governed by the Interior Department would come to an end and the properties would become part of the public domain.

Under authority given to the president on June 21, 1906, by act of Congress (34 Stat., 325), to extend the trust status of Indian lands, the Moses allotment trust status was extended another 10 years by President Woodrow Wilson on December

23, 1914, by Executive Order 2109. This delayed the issuance of fee patents to the Moses allotment owners to March 8, 1926. This action was taken on the view that Indian owners had little understanding of U.S. property law and could be easily taken advantage of by unscrupulous persons.

Authority to Sell Moses Allotments

What came next, on May 20, 1924, was an act of Congress (43 Stat., 133) declaring that Moses allottees "may sell and convey any and all the land covered by such patents or if the allottee is deceased the heirs may sell or convey the land." This allowed for the sale of the last 80 acres of each allotment which was previously inalienable, still requiring the approval of the Interior Department.

Executive Order 4382

The Bureau of Indian Affairs prepared Executive Order 4382, signed by President Calvin Coolidge on February 10, 1926. The order extended the Chief Moses Band trust for a "period of 10 years, from Mar. 8, 1926." Executive Order 4382 set the Chief Moses Band trust period to expire on March 8, 1936, at which point the 1906 law would require the issuance of fee simple patents to the Moses allotment owners.

This executive order was reported in the Spokesman-Review newspaper in Spokane, Washington, on February 19, 1926. The

article noted that "t*he purpose of the executive order is to prevent the alienation of the allotments of the Indians of the Chief Moses band without the government's consent for the next 10 years.*"

What I Discovered or Mistakes Uncovered

Based on their past practice, the Interior Department might have prepared a new executive order to extend the trust period of the Moses allotments beyond March 8, 1936.

What I discovered, however, is that a recording error was made on the master document of the Department of Interior, Bureau of Indian Affairs, "Extension of the Trust or Restricted Status of Certain Indian Lands," where the legal basis for trust status is documented for all Indian lands across the United States. In 1935, an executive order extending the trust status of the Colville Reservation allotments, Executive Order 6962, was mistakenly recorded next to the Chief Moses Band. This recording mistake apparently misled those responsible into thinking that the Chief Moses Band trust status had been extended to March 8, 1946. Consequently, no action was taken to draft an executive order extending the trust status of the Chief Moses Band.

I found this recording error in the 1957 version of the BIA Trust document. It wasn't corrected until many years later, perhaps in the 1970s or 1980s. Today's corresponding

document, available online, shows Executive Order 6962 properly recorded next to the Colville Reservation. And the same document shows that the trust status of the Chief Moses Band ended on March 8, 1936. However, those who made the recording correction failed to follow through and address the issue of Moses Allotment trust status. The March 8, 1906, law on the Moses Allotments required that fee simple patents be issued to owners of the Moses allotments after trust status came to an end. But this was never done.

What Happened Next

Having discovered that the trust status of the Moses allotments legally ended on March 8, 1936, without anyone acknowledging this fact then or since, I went online to the Interior Department website and sent an email with a brief statement of the facts that I had discovered and asked that these facts be brought to the attention of the proper parties. I did not receive any acknowledgement of my note.

I was aware at this time of a court case in federal court in Spokane, Cause No 2:09-CV-0018-JLQ, involving the Wapato John allotment, MA-8. A group of campers, the Mill Bay Members Association, had acquired long-term leases from Bill Evans, who operated as Wapato Heritage LLC, when Bill had a lease from the multiple owners to develop the MA-8 property. Earlier, a federal court had voided Bill's extension of his lease of

MA-8 and voided the sub-leases obtained by members of the Mill Bay Members Association. Following that ruling, the Bureau of Indian Affairs obtained a court order to eject all members of the Mill Bay Members Association from MA-8 property. To stop the ejection, the Mill Bay Members Association sued in federal court asserting a valid contract to occupy the land until 2034, naming the United States, the Department of Interior, the Bureau of Indian Affairs, Wapato Heritage LLC, the Confederated Tribes of the Colville Reservation and all allotees of Moses Allotment No. 8.

I followed the case online through court documents. It was clear that no one involved in the case knew of the facts I had discovered about the trust status of the Moses allotments. On March 9, 2012, I sent a brief writeup of my findings to the Interior Department but received no response. So, I wrote a more detailed 13-page paper dated April 4, 2012, and emailed it to the Assistant U.S. Attorney in the case. Then, after some minor editing and dating it April 13, 2012, I emailed it to every attorney listed in the court documents. I received no acknowledgement and no interest for a long time. Nearly a year later, on January 13, 2013, I was contacted by a new attorney on the case, representing three of the fractional Indian owners of MA-8. After we reviewed my findings and he independently researched the facts to satisfy himself, he introduced all the evidence to the court. He made the further argument that this new evidence shows that the U.S. attorney

cannot represent both the interest of the Consolidated Tribes of the Colville Reservation (who have a casino on the MA-8 property) and the interests of the Indian owners of MA-8. If the trust status of MA-8 ended on March 8, 1936, through government error, as the evidence indicates, then the Indian owners of MA-8 may have cause to bring suit for damages against the United States government.

In a court filing of August 1, 2014, the judge ordered that all the individual owners of MA-8 who do not currently have independent legal counsel must be notified and given time to obtain their own independent legal counsel or, if financially unable to obtain their own legal counsel, independent legal counsel must be provided for them by the U.S. government. The judge wrote:

> *The issues in this case, including the preeminent question of trust status, concern the landowner Defendants' individual ownership interests and their value, and other concerns that are preeminently personal to their own individual livelihood and well-being.*
>
> *In addition, the chart appended to the federal register in 1957 contains what appears to be at best a typo, citing Executive Order 6962 as applying to the "Chief Moses Band" when Executive Order 6962 clearly only*

pertained to "allotments made to Indians of the Colville Reservation." (ECF No. 314, Ex. 2).

The parties should not construe this Order as any suggestion as to how it intends to rule on the issues, including that of the trust or fee status of MA-8. The court desires to give all of the individual landowner defendants the opportunity to inform the court of their positions in this case after consultation with legal counsel.

If the court finds that trust status of the Moses allotments ended on March 8, 1936, and that fee simple patents must be issued to the owners, the only significant impact I know of would involve the Indian casino currently located on a portion of MA-8. Under Washington law, an Indian casino cannot reside on non-trust property. However, even here, there are possible workarounds, for there is a procedure in place which would enable the owners of MA-8 to petition the Interior Department to place the MA-8 land or a portion of it back into trust status.

The final chapter on the few remaining Moses allotments remains to be written.

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Congress (34 Stat., 325), June 21, 1906. An act giving the president authority to extend the trust status of Indian allotments. Separate executive orders were used to extend trust status for allotments on each reservation or for each tribe or band.

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Executive Order 2109, December 23, 1914. Extended the Moses allotment trust status to March 8, 1926.

Executive Order 4382, February 10, 1926. Extended Moses allotment trust status to March 8, 1936.

Executive Oder 6962, February 4, 1935. Extended the Colville reservation land allotment trust status by 25 years. This order was mistakenly recorded opposite the Chief Moses Band and only corrected many years later.

Federal Court, Spokane, WA, Cause No. 2:09-cv-0018-JLQ, filed August 1, 2014. [http://www.millbayrvresort.com/uploads/1/0/4/7/10477134/wapato_heritage_llcs_motion_for_an_order_setting_briefing_schedule_filed_december_30_2015.pdf]. This is the lawsuit in which Moses allotment trust status became the central issue.

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United States Court of Appeals for the Ninth Circuit, Case: 10-35-237 filed 08/17/2010, Wapato Heritage LLC-Sandra D. Evans, page 13, note 10: "MA-10 is an Indian Allotment, which historically generated over $750,000 of net income per year."

United States v. LaChapelle, Same v. Abercrombie, Same v. Richardson, Same v. Robinson, Same v. Williams (Circuit Court, D. Washington, E. D. May 31, 1897). Lawsuit over land occupied by Chelan Bob and Cultus Jim near Chelan Falls; both had been pushed off their land by white settlers. [http://openjurist.org/81/f1d/152].

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57-1

Documents:

COLUMBIA RESERVATION

AND

MOSES ALLOTMENTS

D1-1

INDIAN AFFAIRS: LAWS AND TREATIES

Vol. II, Treaties

Compiled and edited by Charles J. Kappler. Washington : Government Printing Office, 1904.

AGREEMENT WITH THE COLUMBIA AND COLVILLE, 1883.

July 7, 1883. | Ratified July 4, 1884, 23 Stat., 79. Vol. 1, p. 224.

Page Images: 1073 | 1074

Margin Notes
See report of Commissioner of Indian Affairs for 1882, p. lxx.

Page 1073

In the conference with chief Moses and Sar-sarp-kin, of the Columbia reservation, and Tonaskat and Lot, of the Colville reservation, had this day, the following was substantially what was asked for by the Indians:

Tonasket asked for a saw and grist mill, a boarding school to be established at Bonaparte Creek to accommodate one hundred pupils (100), and a physician to reside with them, and $100. (one hundred) to himself each year.

Sar-sarp-kin asked to be allowed to remain on the Columbia reservation with his people, where they now live, and to be protected in their rights as settlers, and in addition to the ground they now have under cultivation within the limit of the fifteen mile strip cut off from the northern portion of the Columbia Reservation, to be allowed to select enough more unoccupied land in Severalty to make a total to Sar-sarp-kin of four square miles, being 2,560 acres of land, and each head of a family or male adult one square mile; or to move on to the Colville Reservation, if they so desire, and in case they so remove, and relinquish all their claims to the Columbia Reservation, he is to receive one hundred (100) head of cows for himself and people, and such farming implements as may be necessary.

All of which the Secretary agrees they should have, and that he will ask Congress to make an appropriation to enable him to perform.

The Secretary also agrees to ask Congress to make an appropriation to enable him to purchase for Chief Moses a sufficient number of cows to furnish each one of his band with two cows; also to give Moses one thousand dollars ($1,000) for the purpose of erecting a dwelling-house for himself; also to construct a saw mill and grist-mill as soon as the same shall be required for use; also that each head of a family or each male adult person shall be furnished with one wagon, one double set of harness, one grain cradle, one plow, one harrow, one scythe, one hoe, and such other agricultural implements as may be necessary.

D1-2

And on condition that Chief Moses and his people keep this agreement faithfully, he is to be paid in cash, in addition to all of the above, one thousand dollars ($1,000) per annum during his life.
All this on condition that Chief Moses shall remove to the Colville Reservation and relinquish all claim upon the Government for any land situate elsewhere.
Further, that the Government will secure to Chief Moses and his people, as well as to all other Indians who may go on to the Colville Reservation, and engage in farming, equal rights and protection alike with all other Indians now on the Colville Reservation, and will afford him any assistance necessary to enable him to carry out the terms of this agreement on the part of himself and his people. That until he and his people are located permanently on the Colville Reservation, his status shall remain as now, and the police over his people shall be vested in the military, and all money or articles to be furnished him and his people shall be sent to some point in the locality of his people, there to be distributed as provided. All other Indians now living on the Columbia Reservation shall be entitled to 640 acres, or one square mile of land, to each head of family or male adult, in the possession and ownership of which they shall be guaranteed and protected. Or should they move on to the Colville Reservation within two years, they will be provided with such farming implements as may be required, provided they surrender all rights to the Columbia Reservation.
All of the foregoing is upon the condition that Congress will make an appropriation of funds necessary to accomplish the foregoing, and confirm this agreement; and also, with the understanding that Chief Moses or any of the Indians heretofore mentioned shall not be required to remove to the Colville Reservation until Congress does make such appropriation, etc.

H. M. TELLER,

Secretary of Interior.

H. PRICE,

Commissioner of Indian Affairs.

MOSES (his x mark),

TONASKET (his x mark),

SAR-SARP-KIN (his x mark).

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D2-1

INDIAN AFFAIRS: LAWS AND TREATIES

Vol. I, Laws (Compiled to December 1, 1902)

Compiled and edited by Charles J. Kappler. Washington : Government Printing Office, 1904.

ACTS OF FORTY–EIGHTH CONGRESS—FIRST SESSION, 1884.

CHAP. 50 | CHAP. 177 | CHAP. 179 | CHAP. 180

Page Images

Chapter 180

Margin Notes	
Chap. 180	Fulfilling treaties, etc., for 1885.
Chap. 180	Columbia and Colville. Agreement of July 7, 1883, ratified. 23 Stat., 79.

{Page 224}

Chapter 180
July 4, 1884. | 23 Stat., 76.

Page Images

An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated,

COLUMBIAS AND COLVILLES.

For the purpose of carrying into effect the agreement[a] entered into at the city of Washington on the seventh day of July, eighteen hundred and eighty-three, between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville reservations, in Washington Territory, which agreement is hereby accepted, ratified, and confirmed, including all expenses incident

D2-2

thereto, eighty-five thousand dollars, or so much thereof as may be required therefor, to be immediately available: *Provided,* That Sarsopkin and the Indians now residing on said Columbia reservation shall elect within one year from the passage of this act whether they will remain upon said reservation on the terms therein stipulated or remove to the Colville reservation: *And provided further,* That in case said Indians so elect to remain on said Columbia reservation the Secretary of the Interior shall cause the quantity of land therein stipulated to be allowed them to be selected in as compact form as possible, the same when so selected to be held for the exclusive use and occupation of said Indians, and the remainder of said reservation to be thereupon restored to the public domain, and shall be disposed of to actual settlers under the homestead laws only, except such portion thereof as may properly be subject to sale under the laws relating to the entry of timber lands and of mineral lands, the entry of which shall be governed by the laws now in force concerning the entry of such lands.

[a] This agreement, which is not set forth in the statue, is to be found in the Annual Report of the Commissioner of Indian Affairs for 1883 at page LXX. Also in "Treaties." vol. 2, 1073.

Approved, July 4, 1884.

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D3-1

It is hereby ordered that the following tract of country in Washington Territory, reserved for the use and occupation of the Chehalis Indians, by order of the Secretary of the Interior, dated July 8, 1864, be, and the same is hereby, restored to the public domain:

Beginning at the post-corner to sections 1 and 2, 35 and 36, on the township line between townships Nos. 15 and 16 north, of range 4 west of the Willamette meridian, being the northeast corner of the reservation; thence west along the township line 240 chains to the post-corner to sections 4, 5, 32 and 33; thence north on line between sections 32 and 33, 26.64 chains, to the southeast corner of James H. Roundtree's donation claim; thence west along the south boundary of said claim 71.50 chains to its southwest corner; thence north on west boundary of the claim 13.10 chains; thence west 8.50 chains to the quarter-section post on line of sections 31 and 32; thence north along said section line 40.00 chains to the post-corner to sections 29, 30, 31, and 32; thence west on line between sections 30 and 31, 25 and 36, 101.24 chains to the Chehalis River; thence up the Chehalis River with its meanderings, keeping to the south of Sand Island, to the post on the right bank of the river, being the corner to fractional sections

{Page 904}

1 and 2; thence north on the line between sections 1 and 2, 73.94 chains to the place of beginning.

It is further ordered that the south half of section 3 and the north-west quarter of section 10, township No. 15 north, of range 4 west of the Willamette meridian, Washington Territory, be, and the same is hereby, withdrawn from sale or other disposition, and set apart for the use and occupation of the Chehalis Indians.

GROVER CLEVELAND.

Columbia or Moses Reserve.

[In Colville Agency; occupied by Chief Moses and his people; area, 38 square miles; act of July 4, 1884. (23 Stat., 79).]

EXECUTIVE MANSION, *April 19, 1879.*

It is hereby ordered that the tract of country in Washington Territory lying within the following-described boundaries, viz: Commencing at the intersection of the forty-mile limits of the branch line of the Northern Pacific Railroad with the Okinakane River; thence up said river to the boundary line between the United States and British Columbia; thence west on said boundary line to the forty-fourth degree of longitude west from Washington; thence south on said degree of longitude to its intersection with the forty-mile limits of the branch line of the Northern Pacific Railroad; and thence with the line of said forty-mile limits to the place of beginning, be, and the same is hereby, withdrawn from sale and set apart as a reservation for the permanent use and occupancy of Chief Moses and his people, and such other friendly Indians as may elect to settle thereon with his consent and that of the Secretary of the Interior.

R. B. HAYES.

D3-2

EXECUTIVE MANSION, *March 6, 1880.*

It is hereby ordered that the tract of country in Washington Territory lying within the following-described boundaries, viz: Commencing at a point where the south boundary line of the reservation created for Chief Moses and his people by Executive order dated April 19, 1879, intersects the Okinakane River; thence down said river to its confluence with the Columbia River; thence across and down the east bank of said Columbia River to a point opposite the river forming the outlet to Lake Chelan; thence across said Columbia River and along the south shore of said outlet to Lake Chelan; thence following the meanderings of the south bank of said lake to the mouth of Shehekin Creek; thence up and along the south bank of said creek to its source; thence due west to the forty-fourth degree of longitude west from Washington; thence north along said degree to the south boundary of the reservation created by Executive order of April 19, 1879; thence along the south boundary of said reservation to the place of beginning, be, and the same is hereby, withdrawn from sale and settlement and set apart for the permanent use and occupancy of Chief Moses and his people and such other friendly Indians as may elect to settle thereon with his consent and that of the Secretary of the Interior, as an addition to the reservation set apart for said Chief Moses and his people by Executive order dated April 19, 1879.

R. B. HAYES.

EXECUTIVE MANSION, *February 23, 1883.*

It is hereby ordered that the tract of country in Washington Territory lying within the following-described boundaries, viz: Commencing at the intersection of the forty-fourth degree of longitude west

{Page 905}

from Washington with the boundary line between the United States and British Columbia; thence due south 15 miles; thence due east to the Okinakane River; thence up said river to the boundary line between the United States and British Columbia; thence west along said boundary line to the place of beginning, being a portion of the country set apart for the use of Chief Moses and his people by Executive orders of April 19, 1879, and March 6, 1880, be, and the same is hereby, restored to the public domain.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *May 1, 1886.*

It is hereby ordered that all that portion of country in Washington Territory withdrawn from sale and settlement, and set apart for the permanent use and occupation of Chief Moses and his people and such other friendly Indians as might elect to settle thereon with his consent and that of the Secretary of the Interior, by the Executive orders dated April 19, 1879, and March 6, 1880, respectively, and not restored to the public domain by the Executive order dated February 23, 1883, be, and the same is hereby, restored to the public domain, subject to the limitations as to disposition imposed by the act of Congress approved July 4, 1884 (23 Stats., pp. 79-80), ratifying and confirming the agreement

D3-3

entered into July 7, 1883, between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville Reservations in Washington Territory.

And it is hereby further ordered that the tracts of land in Washington Territory surveyed for and allotted to Sar-sarp-kin and other Indians in accordance with the provisions of said act of July 4, 1884, which allotments were approved by the Acting Secretary of the Interior April 12, 1886, be, and the same are hereby, set apart for the exclusive use and occupation of said Indians, the field-notes of the survey of said allotments being as follows:*

* See Appendix II, post page, 1048.

[Allotments Nos. 1, 2, 3, and 4, in favor of Sar-sarp-kin, Cum-sloct-poose, Showder, and Jack respectively.]

Set stone on north bank of Sar-sarp-kin Lake for center of south line of claim No. 1. Run line north 78 degrees west and south 78 degrees east, and blazed trees to show course of south line of claim. Then run north 12 degrees east (var. 22 degrees east) in center of claim At 80 chains set temporary stake and continued course. At 20 chains came to brush on right bank of Waring Creek and offset to the right 9.25 chains. Thence continued course to 65 chains and offset to right 13.25 chains to avoid creek bottom and continued course. At 80 chains set temporary stake and continued course. At 37.50 offset 4.50 chains to right to avoid creek bottom and continued course. At 55.50 chains offset to right 4.77 chains to avoid creek bottom and continued course. At 80 chains set temporary stake and continued course to 32.60 chains. Thence run south 78 degrees east 8.23 chains and set stone 10 by 10 by 24 inches for northeast corner of claim. Then retraced line north 78 degrees west 12 chains and set stone 6 by 6 by 18 inches to course of north line of claim No. 1, and south line of claim No. 2, and for center point in south line of claim No. 2 (claim No. 1, Sar-sarp-kin's contains 2,180.8 acres). Thence run north 12 degrees east 80 chains. Blazed pine 20 inches diameter on 3 sides on right bank of Waring Creek for center of north line of claim No. 2, and center of south line of claim No. 3. Set small stones north 78 degrees west and south 78 degrees east to show course of said line. Thence run north 12 degrees east in center of claim No. 3. At 10.50 chains offset to right 3 chains to avoid creek bottom and continued course. At 71 chains offset to left 4.23 chains to avoid creek bottom and continued course. At 76.25

{Page 906}

chains crossed Waring Creek 20 links wide. At 80 chains offset to right 1.23 chains and set stone 8 by 8 by 16 inches for center of north line of claim No. 3, and center of south line of claim No. 4. Run north 78 degrees west and south 78 degrees east and set stake to show course of said line. Then from center stone offset to left 1.23 chains and run thence north 12 degrees east. At 28 chains offset to left 2 chains to avoid creek bottom and continued course. At 80 chains offset to right 3.23 chains and set stone 10 by 10 by 16 inches on left bank of creek for center of north line of claim, and set stones north 78 degrees west and south 78 degrees east to show course of line.

[Allotment No. 5, in favor of Ka-la-witch-ka.]

From large stone, with two small stones on top, as center of north line of claim near left

D3-4

bank of Waring Creek, about 1¾ miles down stream from claim No. 4, and about 1 mile up stream from Mr. Waring's house, run line north 80 ½ degrees west and south 80 ½ degrees east, and set small stones to show course of north line of claim. Then run south 9 ½ degrees west (var. 22 degrees east), at 79.20 chains crossed Cecil Creek 15 links wide. At 80 chains blazed pine 24 inches diameter on four sides, in clump of four pines, for center of south line of claim. Thence run north 80 ½ degrees west and south 80 ½ degrees east, and blazed trees to show course of south line of claim.

[Allotment No. 6, in favor of Sar-sarp-kin.]

From stone on ridge between Toad Coulee and Waring Creeks run north 88 degrees east (var. 22 degrees east). At 18.50 chains enter field. At 24.50 chains enter brush. At 30.10 chains cross Waring Creek 25 links wide. At 47.60 chains cross Waring's fence. At 65 chains set stone for corner 12 by 12 by 12 inches from which a pine 24 inches diameter bears north 88 degrees east 300 links distant. Thence north 4 degrees west 10.50 chains; set stone for corner 8 by 8 by 18 inches. Thence north 16 degrees west. At 29.20 chains pine trees 30 inches diameter in line. At 55 chains set stone for corner. Thence south 66 ½ degrees west to junction of Toad Coulee and Waring Creeks, and continue same course up Toad Coulee Creek to 81 chains blazed fir 18 inches diameter on four sides for corner, standing on right bank of Toad Coulee Creek on small island. Thence south 38 degrees east. At 52 links cross small creek—branch of Toad Coulee Creek—and continued course. At 42 chains point of beginning. The above-described tract of land contains 379 acres.

[Allotment No. 7, in favor of Quo-lock-ons, on the headwaters of Johnson Creek.]

From pile of stone on south side of Johnson Creek Canon—dry at this point—125 feet deep, about 1 chain from the west end of canon, from which a fir 10 inches diameter bears north 25 degrees west 75 links distant, run south 55 degrees west (var. 22 degrees east). At 80 chains made stone mound for corner from which a large limestone rock 10 by 10 by 10 bears on the same course south 55 degrees west 8.80 chains distant. From monument run north 35 degrees west. At 72.50 chains crossed Jonnson brook 4 links wide, and continued course east 80 chains. Made mound of stone, and run thence north 55 degrees east 80 chains. Made stone monument and run thence south 35 degrees east 80 chains to beginning.

[Allotment No. 8, in favor of Nek-quel-e-kin, or Wa-pa-to John.]

From stone monument on shore of Lake Chelan, near houses of Wa-pa-to John and Us-tah, run north (var. 22 degrees east)

10.00 chains, Wa-pa-to John's house bears west 10 links distant;

12.50 chains, Catholic chapel bears west 10 links distant;

32.50 chains, fence, course east and west;

{Page 907}

80.00 chains, set stake 4 inches square 4 feet long in stone mound for northeast corner of claim. Thence run west

30.00 chains, cross trail, course northwest and southeast,

D3-5

80.00 chains, made stone monument for northwest corner of claim. Thence run south

35.60 chains, crossed fence, course east and west,

77.00 chains, blazed cotton wood tree 12 inches in diameter on 4 sides for corner on shore of Lake Chelan, marked W. T. on side facing lake. Lake Chelan forms the southern boundary of claim, which contains about 640 acres.

[Allotment No. 9, in favor of Us-tah.]

This claim is bounded on the west by Wa-pa-to John's claim, and on the south by lake Chelan. From Wa-pa-to John's northeast corner, which is a stake in stone mound run south 64 ½ degrees east (var. 22 degrees east)

88.50 chains, set stake in stone mound for corner of claim. Thence run south

55.50 chains, trail, course northwest and southeast,

80.00 chains, shore of Lake Chelan; set stake in stone mound for corner of claim, which contains about 640 acres.

[Allotment No. 10, in favor of Que-til-qua-soon, or Peter.]

This claim is bounded on the east by Wa-pa-to John's claim, and on the south and west by Lake Chelan. The field-notes of north boundary are as follows: From northwest corner of Wa-pa-to John's claim, which is a stone monument, run west (var. 22 degrees east)

113.00 chains, shore of Lake Chelan. Blazed pine tree at the point

20 inches diameter on four sides for northwest corner of claim.

This claim contains about 540 acres.

[Allotment No. 11, in favor of Tan-te-ak-o, or Johnny Isadore.]

From Wa-pa-to John's northeast corner, which is a stake in stone mound, run west (var. 22 degrees east) with Wa-pa-to John's north boundary line to stone monument,

80.00 chains, which is also a corner to Wa-pa-to John's and Peter's land. Thence on same course with Peter's north line

33.00 chains, made stone monument in said line for southwest corner of claim, and run thence north (var. 22 ½ degrees east)

80.00 chains, made stone monument on west side of shallow lake of about 40 acres, and continued course to

113.35 chains, made stone monument for north corner of claim, and run thence south 45 degrees east

160.00 chains, point of beginning. This claim contains 640 acres.

D3-6

[Allotment No. 12, in favor of Ke-up-kin or Celesta.]

This claim is bounded on the south by Peter's and on the east by Johnny's claim. From Peter's northwest corner, which is a pine, 20 inches diameter, blazed on four sides, on shore of Lake Chelan, run east with Peter's north line,

80.00 chains, stone monument, previously established, which is also a corner to Johnny's land. Thence north with Johnny's land,

80.00 chains, stone monument, previously established on west shore of shallow lake. Thence run west (var. 22¼ degrees east)

80.00 chains. Set stake in stone mound for northwest corner of claim, from which a blazed pine 24 inches in diameter bears south 50 degrees west 98 links distant. A blazed pine 20 inches diameter bears north 45 degrees east 110 links distant. Thence north through open pine timber

80.00 chains, point of beginning.

{Page 908}

[Allotment No. 13, in favor of Ta-we-na-po, of Amena.]

From Johnny's northwest corner, which is a stone monument, run south with Johnny's line,

33.35 chains, stone monument previously established, the same being Celesta's northeast corner. Thence west with Celesta's line,

80.00 chains, stone monument previously established, the same being the northwest corner of Celesta's claim. Thence north (var. 22 degrees east)

85.50 chains, small creek 4 links wide, course east and west,

126.70 chains, made stone monument for northwest corner of claim, from which a blazed pine 12 inches in diameter bears south 10 degrees west 59 links distant. Thence run south 40 ½ degrees east

123.00 chains, point of beginning. This claim contains 640 acres.

[Allotment No. 14, in favor of Pa-a-na-wa or Pedoi.]

From northwest corner of Ameno's claim, which is a stone monument, from which a blazed pine 12 inches in diameter bears south 10 degrees west 59 links distant, run north 75 degrees west

43.50 chains, shore of Lake Chelan, blazed pine tree 6 inches in diameter on 4 sides for northwest corner of claim, from which a blazed pine 14 inches in diameter bears north 45 degrees east 13 links distant. Thence returned to point of beginning and run south with Ameno's line.

46.70 chains offset on right, 70.00 chains to Lake Chelan;

D3-7

86.70 chains offset on right, 62.00 chains to Lake Chelan;

101.20 chains, made stone monument, from which a blazed pine 30 inches in diameter bears north 40 degrees west 95 links distant, a blazed pine 30 inches in diameter bears 40 degrees west 72 links distant. Thence run west

62.00 chains, shore of Lake Chelan. Made stone monument for southwest corner of claim, from which a blazed pine 10 inches in diameter bears north 30 links distant. Lake Chelan forms the western boundary of claim, which contains 640 acres.

[Allotment No. 15, in favor of Yo-ke-sil.]

From southwest corner of Pedoi's claim, which is a stone monument, from which a blazed pine 10 inches diameter bears north 30 links distant, run east with Pedoi's line,

62.00 chains, stone monument, previously established, from which a blazed pine, 30 inches diameter bears north 40 degrees west 95 links distant. A blazed pine 30 inches diameter bears south 40 degrees west 72 links distant, the same being Pedoi's south-east corner. Thence run south with Ameno's west line,

25.50 chains, stake in stone mound, previously established for corner to Ameno's and Celesta's claim. Thence continued course south with Celesta's west line to 105.50 chains, pine tree 20 inches in diameter, on shore of Lake Chelan, previously blazed on four sides for corner to Peter and Celesta's claims. Thence with the shore of lake in a northwesterly direction to point of beginning. This claim contains about 350 acres.

[Allotment No. 16, in favor of La-kay-use, or Peter.]

From stone monument, on bunch-grass bench, about 1 ½ miles in a northeastly direction from Wa-pa-to John's house, run north 61 ½ degrees east (var. 22 degrees east)

51.00 chains, enter small brushy marsh.

52.50 chains, leave marsh.

56.00 chains, made stone monument for corner of claim and run thence south 28 ½ degrees east.

{Page 909}

11.60 chains, cross small irrigating ditch—small field and garden lie on right.

114.30 chains, made stone monument for corner and run thence south 61 ½ degrees west.

56.00 chains, made stone monument for corner of claim and run thence north 28 ½ degrees west.

4.30 chains, stone monument—point of beginning. This claim contains 640 acres.

[Allotment No. 17, in favor of Ma-Kai.]

D3-8

Field-notes of Ma-Kai's allotment on the Columbia Reservation. It is bounded on the west by Ustah's allotment, and on the south by Lake Chelan. From Ustah's northeast corner, which is a stake in stone mound, run south 64 ½ degrees east (var. 22 degrees).

80.00 chains, build monument of stone, running thence south.

80.00 chains, to the bank of Lake Chelan, built monument of stone; thence north 64 ½ degrees west along Lake Chelan.

80.00 chains, to the southeast corner of Ustah's allotment. The above-described figure contains 507.50 acres.

[Antwine Settlement.]

This settlement, consisting of three claims in the same vicinity, though not adjoining, is located on or near the Columbia River, about 7 miles above Lake Chelan, and about 8 miles below the mouth of the Methow River, on the Columbia Reservation.

[Allotment No. 18, in favor of Scum-me-cha or Antoine.]

From stone monument about 2 miles north from the Columbia, from which a blazed fir 20 inches in diameter bears south 80 degrees west 60 links distant, run south 35 ½ degrees east (var. 22 degrees east).

30.00 chains, summit of mountain spur, about 50 feet high. Antwine's house north 35 degrees east, about 20 chains distant.

80.00 chains, made stone monument for corner, from which a blazed pine 8 inches in diameter bears south 45 degrees west 32 links distant. Thence run north 55 ½ degrees east (var. 22 ½ degrees).

58.00 chains, bottom of dry cañon 100 feet deep, course northwest and southeast.

80.00 chains, made stone monument for corner about one-quarter mile from Columbia River, and run thence north 34 ½ degrees west.

80.00 chains, made stone monument for corner and run thence south 55 ½ degrees west.

80.00 chains, stone monument, point of beginning.

[Allotment No. 19, in favor of Jos-is-kon or San Pierre.]

This claim lies about 3 miles in a northwesterly direction from Antoine's claim, and consists of a body of hay land of about 100 acres, surrounded by heavy timber. From stone monument on hillside, facing southeast, from which a blazed pine 8 inches diameter bears south 60 degrees east 56 links distant. From which a blazed pine 8 inches diameter bears west 76 links distant. Run south 23¼ degrees east (var. 22 degrees east).

6.50 chains, enter grass lands.

D3-9

25.00 chains, leave grass lands.

80.00 chains, made stone monument for corner, from which a blazed pine 20 inches diameter bears north 85 degrees east 20 links distant. A blazed pine 20 inches diameter bears north 15 degrees east 27 links distant. Thence run north 66¾ degrees east.

{Page 910}

80.00 chains, made stone monument on steep little hillside for corner. Thence run north 23¾ degrees west.

80.00 chains, made stone monument on mountain side for corner, from which a blazed pine 18 inches diameter bears north 40 degrees east 105 links distant. From which a blazed pine 20 inches diameter bears south 10 degrees east 127 links distant. Thence run south 66¾ degrees west along mountain side.

80.00 chains, to point of beginning.

[Allotment No. 20, in favor of Charles Iswald.]

This claim lies about 2 miles in a northeasterly direction from Antoine's claim. It contains no timber, but is mostly fair grazing land with about 100 acres susceptible of cultivation. No improvements. From pine tree on right bank of Columbia River, blazed on four sides where rocky spur 200 feet high comes down to near bank, forming narrow pass, from which a blazed pine 36 inches in diameter bears north 177 links distant, run south 13 degrees west (variation 22 degrees east).

102.25 chains, made stone monument for corner on hillside in view of main trail. Thence run south 5&frac3#190; degrees west.

78.00 chains, made stone monument for corner. Thence south ¼ degree west.

25.65 chains, made stone monument on bank of Columbia River for corner. Thence with said river to a point of beginning, containing 640 acres of land.

The three following claims are all adjoining. They are located on and near the Columbia River, about 12 miles above Lake Chelan, and about 3 miles below the mouth of the Methow River.

[Allotment No. 21, in favor of In-perk-skin, or Peter No. 3.]

From pine 12 inches diameter blazed on four sides on right bank of Columbia River, from which a blazed pine 10 inches diameter bears south 40 degrees east, 46 links distant, run north 69¼ degrees west (var. 22 degrees east).

3.50 chains, enter corner of small field.

7.50 chains, leave field.

8 chains, cross trail.

80 chains, made stone monument for corner on mountain side about 500 feet above

D3-10

river. Thence run north 20¾ degrees east.

24.00 chains, summit of rugged little mountain 700 feet high.

80.00 chains, made stone monument for corner on top of small rocky hill about 40 feet high. Thence south 69 ½ degrees east.

80.00 chains, erected stone monument for corner about 15 chains from river bank. Thence south 20¾ degrees west.

80.00 chains, point of beginning.

[Allotment No. 22, in favor of Tew-wew-wa-ten-cek or Aeneas.]

From northwest corner of Peter's claim, which is a stone monument on summit of small hill, run north 20¾ degrees east (var. 22 ½ degrees east).

80.00 chains, made stone monument for corner, and run thence north 69¼ degrees west (var. 23 degrees east).

80.00 chains, made stone monument for corner, and run thence south 20¾ degrees west (var. 22 ½ degrees east).

39.00 chains, summit of steep hill 100 feet high.

80.00 chains, made stone monument for corner of claim on rolling hillside facing west. Thence south 69¼ degrees east (var. 23½ degrees east).

80.00 chains, point of beginning.

{Page 911}

[Allotment No. 23, in favor of Stem-na-lux or Elizabeth]

From northwest corner of Peter's claim, the same being the southeast corner of Aeneas' claim, which is a stone monument on top of small hill, run north 69¼ degrees west with Aeneas¼ south line (var. 22 ½ degrees east).

80.00 chains, stone monument, previously established for south-west corner of Aeneas' claim. Thence north 20¾ degrees west (var. 23½ degrees east).

65.00 chains, summit of hill.

80.00 chains, made stone monument for corner from which a blazed pine 24 inches diameter bears south 70 links distant. A blazed pine 24 inches diameter bears south 20 degrees west 84 links distant. Thence south 69¼ degrees east.

80.00 chains, monument previously established for southwest corner of Peter's claim. Thence south 20¾ degrees east with Peter's west line.

80 chains, point of beginning.

D3 - 11

The five following claims are all adjoining. They are located along the southern bank of the Methow, and the western bank of the Columbia on the Columbia Reservation.

[Allotment No. 24, in favor of Neek-kow-it or Captain Joe.]

From stone monument on right bank of Methow River, about three-fourth mile from its mouth, from which a pine 24 inches in diameter bears north 37 degrees west on opposite bank of Methow, for witness corner to true corner, which is in center of Methow River, opposite monument, 1.50 chains distant. Run south 37 degrees west (var. 22 degrees east). (Distances given are from true corner.)

7.00 chains, enter garden.

12.00 chains, leave garden.

39.00 chains, top of bench 400 feet high.

116.50 chains, Cañon Mouth Lake, containing about 80 acres. Set stake in stone mound on shore of lake for witness corner to true corner, which falls on side of impassable mountain, beyond lake 160 chains from point of beginning. Returned to witness corner previously set on bank of Methow, and run thence north 53 degrees west.

40.00 chains, offset on right 2 chains to bank of Methow, and made stone monument for witness to true corner, which falls in center of Methow, opposite monument 1 chain distant. Thence run south 37 degrees west. (Distances given are from true corner).

42.00 chains, top of bench 400 feet high.

113.00 chains, marked tree with two notches fore and aft, and blazed one tree on each side to show course of line.

115.00 chains, impassable mountain. True corner falls in course on mountain side 160 chains distant from true corner at other end of line in the Methow River.

GENERAL DESCRIPTION OF BOUNDARY.

From point first described in center of Methow River south 37 degrees west 160 chains; thence north 52 degrees 39 minutes west 40.20 chains; thence north 37 degrees east 160 chains to point previously described in middle of Methow; thence with middle of Methow River to point of beginning. Claim contains 640 acres.

{Page 912}

[Allotment No. 25, in favor of Hay-tal-i-cum, or Narcisse.]

From stone monument on right bank of Methow River, previously described as witness corner to point of beginning to survey of Captain Joe's claim, said monument being a true corner to this claim, run south 37 degrees west with Captain Joe's line (var. 22 degrees east).

45.60 chains, set stake in stone mound for corner and run thence south 53 degrees east.

D3-12

80.00 chains, set stake 8 inches square for corner; thence run north 37 degrees east.

73.10 chains, made stone monument for corner on right bank of Columbia. Near opposite bank of river a black rock protrudes from water. Thence with right bank of Columbia River to mouth of Methow River. Thence with right bank of Methow River to point of beginning. This claim contains 640 acres of land.

[Allotment No. 26, in favor of Kleck-hum-tecks.]

From stake in stone mound previously set in Captain Joe's southeast line, the same being the southwest corner to Narcisse's claim, run south 53 degrees east (var. 22 degrees east), with Narcisse's line.

80.00 chains, corner previously established, thence runs south 37 degrees west.

80.00 chains, set stake for corner, and run thence north 53 degrees west.

73.80 chains, set stake marked W. C., on shore of Cañon Mouth Lake, from which blazed aspen, 6 inches diameter, bears north 5 degrees west 94 links distant for witness corner to true corner, which falls on line 6.50 chains further in lake, in Captain Joe's southeast line. Thence with said line north 37 degrees east 80 chains to point of beginning. This claim contains 640 acres.

[Allotment No. 27, in favor of Ki-at-kwa, or Mary.]

From witness corner previously established on Methow, in Captain Joe&apo#146;s northwest line, the same being taken as a true corner to this claim, run south 37 degrees west (var. 22 degrees east) with Captain Joe's line.

80.00 chains, made stone monument for corner; then returned on line, and from point 1.50 chains from corner run north 53 degrees west.

64.00 chains, offset to left 22 chains to avoid bend in river and continued course.

80.00 chains, bank of Methow River. Made stone monument for corner, and run thence south 37 degrees west.

12.00 chains, top of bench 400 feet high.

24.00 chains, foot of perpendicular basaltic cliff offset to right 2 chains.

31.50 chains, offset to left 2 chains and continued course.

40.00 chains, made stone monument and continued course.

45.00 chains, impassable mountain. True corner falls 11.50 chains further on line on side of mountain.

GENERAL DESCRIPTION OF BOUNDARY.

From point of beginning south 37 degrees west 80 chains; thence north 53 degrees west 80 chains; thence north 37 degrees east 56.50 chains to corner on Methow; thence with

D3-13

right bank of Methow to point of beginning, containing about 640 acres.

{Page 913}

[Allotment No. 28, in favor of Ta-tat-kein, or Tom.]

From northwest corner of Mary's claim, which is a stone monument on the right bank of the Methow, run south 27 degrees west (var. 22 degrees east) with Mary's line.

40.00 chains, corner previously established, stone monument; thence north 53 degrees west.

80.00 chains, made stone monument in aspen thicket for corner; thence north 27 degrees east.

106.50 chains, right bank of Methow River; made stone monument for corner; thence with right bank of Methow River to point of beginning. This claim contains about 640 acres.

DOWNING CREEK SETTLEMENT.

This settlement consists of two adjoining claims on Downing Creek, on the right bank of the Columbia River on the Columbia Reservation, about 7 miles below the mouth of the Okinakane River, and about 3 miles above the mouth of the Methow River.

[Allotment No. 29, in favor of La-la-elque.]

From stone monument on right bank of Columbia River, about one-half mile above mouth of Downing Creek, run north 25 degrees west (var. 22 degrees east)

42.75 chains, point on hill about 500 feet high, 30 links to right of old stone mound on top of hill;

79.30 chains, large flat-topped stone, 5 links to right;

80.00 chains, made stone monument for corner and run thence south 65 degrees west

80.00 chains, made stone monument for corner on hillside near top of hill and run thence south 25 degrees east

78.00 chains, bank of Columbia River. Made stone monument for corner. Thence with Columbia River to point of beginning. This claim contains about 640 acres.

[Allotment No. 30, in favor of Snain-chucks.]

From northeast corner of La-la-elque's claim, which is a stone monument, run north 25 degrees west

80.00 chains, made stone monument for corner and run thence south 65 degrees west

80.00 chains, made stone monument for corner and run thence south 25 degrees east

D3-14

80.00 chains, stone monument previously established, the same being La-la-elque's northwest corner; thence north 65 degrees east.

80.00 chains, point of beginning. This claim contains 640 acres of land.

[Allotment No. 31, in favor of Edward, near Palmer Lake, Toad Coulee.]

Commencing at a prominent rock 7 feet by 3 feet by 4 inches and unknown length, the above dimensions projecting above the surface. Running thence (var. 22 degrees 15 minutes) north 82 degrees east 80 chains. At 57.70 Thorn Creek, 80 links wide, northeast. At 80 set willow stake 5 inches square and 5 feet long, marked sta. 1, north 8 degrees west 80 chains. A lime-juice tree 18 inches diameter at 80, set basaltic stone 2 feet by 8 inches by 6 inches with monument of stone on the side of bluff on the east side of the valley, sta. 2, south 82 degrees west 80 chains. At 6 chains Thorn Creek 80 links wide bears northeast, at 8 chains the Smilkameen (Similkameen) River 100 links wide

{Page 914}

bears northeast. At 39, on the same river, bears southwest. At 80 set quaking aspen stake 4 inches square, 4 feet long, marked sta. 3. South 8 degrees east 80 chains to the place of beginning. The terminus. 640 acres.

[Allotment No. 32, in favor of Dominec.]

Commencing on a slough of the Smilkameen (Similkameen) River, on the forty-ninth parallel (the British line) set quaking aspen stake 4 inches square and 4 feet long, 18 inches in the earth, marked C. C., from which a pine tree 42 inches in diameter bears north 79 degrees 45 minutes west 2 chains, marked C. C. B. T., facing post; thence (var. 22 degrees 15 minutes east) west 31 chains to a point from which the parallel monument bears west 4.77 chains; built monument of granite stone. South 134 chains. At 42.50 chains a spring branch, 5 links wide, bears east. At 134 chains built monument of stone at foot of bluff. East 61.53 chains to a balm tree 30 inches in diameter, marked sta. 3, facing west, from which the Smilkameen (Similkameen) River bears west 2.43 chains. North 12 degrees 30 minutes west 137.43 chains. At 10 chains the Smilkameen (Similkameen) River bears southeast; at 120 the same river west of south. At 137.43 intersect the place of beginning.

Terminus. 620.26 acres.

[Allotment No. 33, in favor of Ko-mo-dal-kiah.]

Commencing on the west bank of the Okanagan (Okinakane) River at the north end of an island, set stake 4 inches square, 4 feet long, marked C. C., with mound. Running thence (var. 22 degrees 15 minutes) south 86 degrees 45 minutes west 150 chains, set balm stake 4 inches square, 4 feet long, and 18 inches in the earth, with monument of washed bowlders covered with mound of earth, 4 pits, and marked sta. 1. South 3 degrees 15 minutes east 42.66 chains, set balm stake 4 inches square 4 feet long, marked sta. 2, with monument of granite stones. North 86 degrees 45 minutes east 138.21 chains. A balm tree on the west bank of the Okanagan (Okinakane) River, marked sta. 3, facing west, the true corner falling in the Okanagan (Okinakane) River, 11.79 chains further on in the same line at the east bank of an island, north 3 degrees 15 minutes west 42.66 chains, intersect the north line from which the place of beginning bears north 86 degrees 45 minutes east 11.79, the terminus. Area 639.90 acres.

D3-15

[Allotment No. 34, in favor of Paul.]

Commencing at the southwest corner (sta. 3) of Ko-mo-dal-kiah's allotment. Running thence (var. 22 degrees 15 minutes) south 3 degrees 15 minutes east 42.66 chains; built monument of basaltic stone, sta. 1. North 86 degrees 45 minutes east 142.87 chains intersect the Okanagan (Okinakane) River. Set balm stake 4 inches square 4 feet long, and 18 inches in the ground, marked (sta. 2). North 9 degrees 45 minutes west 42.70 chains, Ko-mo-dal-kiah's bearing corner a balm tree 12 inches in diameter marked sta. C. C. on the south side. The terminus. Area, 599.55 acres.

[Allotment No. 35, in favor of Que-lock-us-soma.]

Commencing at the southeast corner of Paul's allotment, running thence (var. 22 degrees 15 minutes) south 86 degrees 45 minutes west 43.87 chains; built monument of washed granite bowlders (sta. 1). South 3 degrees 15 minutes east 80 chains; built monument of washed granite bowlders (sta. 2). North 86 degrees 45 minutes east 96.42 chains; intersect the Okanagan (Okinakane) River, set balm stake 4 inches square 4 feet long and 18 inches in the ground, marked (sta. 3);

{Page 915}

thence up the Okanagan (Okinakane) River, north 45 degrees 30 minutes west 76 chains to a curve in the river. North 3 degrees 15 minutes west 25 chains, intersect the place of beginning. The terminus. Area, 495.47 acres.

[Allotment No. 36, in favor of Se-cum-ka-nallux.]

Commencing on the west bank of Okanagan (Okinakane) River at a little pine tree 4 inches in diameter; running thence down the river (var. 22 degrees 15 minutes) south 3 degrees west 45.65 chains to a pine tree on the bank of the Okanagan (Okinakane); thence down the river north 57 degrees 45 minutes west 22 chains, intersect the old Indian trail, built monument of stone. South 15 degrees west 124.50 chains to a pine tree 25 inches in diameter, marked Sta. 3; thence north 51 degrees 45 minutes west 82.75 chains; at 22 chains a small lake 5 chains wide; at 82.75 built monument of stone, north 50 degrees east 167.55 chains, to the place of beginning—the terminus. Area, 637.44 acres.

[Allotment No. 37, in favor of John Salla-Salla.]

Commencing at the junction of Johnston Creek and the Okanagan (Okinakane) River; thence by Johnston Creek (var. 22 degrees 15 minutes) south 69 degrees 45 minutes west 40 chains; built monument of stone on the south bank of Johnston Creek; Sta. — 8 degrees 15 minutes west 91.54 chains; built monument of basaltic stone, Sta.; north 69 degrees 45 minutes east 117.50 chains to the Okanagan (Okinakane) River; set balm stake 4 inches square 4 feet long, marked Sta. 3, north 45 degrees 30 minutes west 86.53 chains to the place of beginning, the mouth of Johnston Creek. Area, 630 acres.

GROVER CLEVELAND.

Colville Reserve.

Essay on the Trust Status of the Moses Allotments

By John V. Peters

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Brief Summary of Case 2:09-cv-00018-JMQ

(The Mill Bay Members Association vs USA, Department of the Interior, Bureau of Indian Affairs (BIA), Allottees of MA-8, Confederated Tribes of the Colville Reservation)

The Association members were campers on the MA-8 property. They had purchased 25-year subleases from Bill Evans who held a 25-year lease to develop the land. Bill Evens then thought he had extended his development lease for an additional 25 years and sold 25-year sublease extensions to the campers. Later, the court determined that Bill Evans had not followed the instructions of his original lease for a 25-year extension and the court invalidated his lease extension. The court ruled that the sub-lease extensions sold to the campers were also invalid. When Bill Evans' original 25-year lease ended, the sub-leases to the campers ended and the management of the land passed back into the hands of the 30 or 40 fractional owners at the time.

The BIA, acting as the trustee of MA-8 as Indian trust land, obtained a court order declaring that the campers were now trespassing on the land and ordering their removal.

The campers' suit was brought in order to challenge this court order, stop the removal process, and delay its implementation.

One of the arguments that Mill Bay Members Association made in court was that the act of Congress (43 Stat., 133) of May 20, 1924, had effectively removed MA-8, and all the Moses allotments, from trust. If this was true, the BIA would have no trust role and the BIA-obtained court order would be voided. This would put the onus of eviction upon the fractional owners of MA-8 and would give the Members an opportunity to lobby the owners for an extension of their leases or at least delay their expulsion.

What the 1924 act of Congress did was to remove all alienation restrictions from the Moses allotments. This meant that allottees could sell all of their land, with oversight and agreement by BIA. The law itself said nothing directly about the trust relationship.

Reading the court transcripts online, this development led me to independently look into the trust history of the Moses allotments as part of my on-going historical research on the Moses allotments.

I read online that the BIA had submitted their view of the history of trust of the Moses allotments on April 26, 2010, in response to a routine request from Judge Quackenbush in early 2010 about the trust status of MA-8. The BIA response was included in ECF (Electronic Court Filing) 186 submitted by the U.S. Attorney and gave a detailed chain of trust authority from

the issuance of trust patents to allottees in 1906 up to the present and stated that the trust period of the Moses allotments is currently extended indefinitely. ECF 186 was not available online to general internet users, but the attorney for the Colville Tribes kindly emailed me a copy of ECF 186 after I explained that I was writing up a history of the Moses allotments and wished to complete the picture with their current trust status.

Reading ECF 186 I realized that my own research was at variance with the BIA account. I rechecked all of my own research results to see if I could be in error, but I ended with my original results.

On March 9, 2012 I shared my research into the trust background and status of the Moses allotments with the Interior Department and then in April 2012 with all the attorneys involved in Case 2:09-cv-00018-JMQ in Federal Court in Spokane, Washington. I called attention to the apparent contradictions of my results based on public Interior Department documents with the BIA submittal ECF 186.

Bureau of Indian Affairs (BIA) Version of Trust History

The court filing, ECF 186, presented by the U.S. Attorney, gave the following account.

The chain of trust runs from 10-year trust patents in 1906 (34 Stat., 55) to a 10-year extension of trust by presidential Executive Order 2109 in 1914 to a 25-year extension of trust by

Executive Order 3363 (Public Domain Indian lands) in 1920 after which General Orders and acts of Congress carry trust to the present.

My Version of the Moses Allotment Trust History

My own research told me that this version of the chain of trust authority was flawed.

Using an Interior Department document showing trust authority for all individual Indian allotments located on or off Indian reservations, I had reached different results. This document is the Appendix to Chapter I, Title 25 (Indians) of the Code of Federal Regulations. I will refer to this document as the Trust document.

Executive Order 4382 of February 10, 1926, which appears on the Trust document opposite the Chief Moses Band, was left out of the BIA chain of trust authority. This Executive Order extended trust to March 8, 1936. The BIA account also left out Executive Order 6962 of February 4, 1935, which extended trust to March 8, 1946. Many years later (it was still uncorrected in 1957) it was realized that E.O. 6962 had been erroneously assigned to the Chief Moses Band in 1935 and it was re-assigned properly on the Trust document by 2012. There is every reason to believe that both E.O. 4382 and 6962 appeared on the BIA Trust document from 1935 until at least 1957. Neither the BIA nor the U.S. Attorney ever addressed this issue or denied that this was a fact.

The BIA account of trust authority cited E.O. 3365, a 1920 executive order affecting only allotments on the public domain. Executive Order 3365 never appears on the Trust document opposite the Chief Moses Band. Furthermore, if public domain Executive Orders do apply to the Chief Moses Band, then five earlier public domain Executive Orders with one-year trust extensions beginning in 1916 would also apply to the Moses allotments. But the BIA does not mention them in their chain of trust authority.

The 2012 Trust document and those in following years show Executive Orders 2109 and 4382 opposite the Chief Moses Band and give the expiration of trust as March 8, 1936, with no other Executive Orders or acts of Congress extending the trust period further.

An Overview of the History of Indian Land Ownership and Trust

An overview of the history of individual Indian ownership under U.S. law will help to keep the arguments made in court into proper perspective.

Indian Homesteads, Not in Trust

Begun with an act of Congress on May 20, 1862, the first Homestead Act allowed anyone 21 years of age or the head of household, a citizen or anyone intending to become a citizen, to apply for a homestead on the public domain at the local Federal land office. The only other requirement was that the applicant should never have taken up arms against the United

States or have given aid and comfort to its enemies. This excluded ex-Confederate soldiers, if they were known, but had little other effect.

Homesteaders were required to file their claim with the local Federal land office. All homesteaders had to show up at the land office five-years after receiving their homestead and prove up their claim to the land, meaning in practical terms that two known persons told the land agent that the homesteader had lived on the land and made improvements to the property. Then a fee simple patent was issued to the homesteader.

The second non-trust route to land ownership was simply for an Indian to purchase land like anyone else might do, by work or trade or money. Inheritance was another route to non-trust Indian land ownership.

Trust Enters the Indian Homestead Picture

The Meaning of Trust

The trust relationship as discussed here relates only to individual Indian land and not to Indian reservations, which are communal Indian lands.

Trust conditions always involve Interior Department supervision and approval of the lease and sale of the land.

There were usually alienation restrictions forbidding the sale of all or some part of the trust land.

And in later years, with the fractionation of ownership of trust land as titles passed on to heirs, rules of decision-making were developed for fractional owners. For example, there are rules about the percentage of ownership needed to approve lease or sale of an allotment, the percentage varying depending upon how many fractional owners of an allotment there are: 1-5 owners, 90%; 6-10 owners, 80%; 11-19 owners, 60%; 20 or more owners, 50%.

The Indian Homestead Act of May 3, 1875 (18 Stat., 402)

The Homestead Act of 1862 did not rule Indians in or out of its provisions. Some Indians probably took advantage of this act. However, thirteen years later Congress passed the Indian Homestead Act of 1875 (18 Stat., 402). Perhaps because the Indians making use of the 1862 act were being taken advantage of by non-Indians, this new act established new conditions for Indians claiming homesteads. The Indians were now to assure the land office that they had given up or intended to give up their tribal affiliation. And it added a five-year trust period for Indian homesteads, to be imposed at the time when a patent was issued. Usually, the patent was received five years after the homestead claim was registered at the land office and upon the homesteader proving that they had lived on and made improvements to the land. Some Indian homesteads taken under this act of Congress may have been affected by later executive orders, beginning in 1915, that extended trust periods of Indian lands in the public domain.

The Indian Homestead Act of July 4, 1884 (23 Stat., 96)

This act of Congress imposed a 25-year period of trust on new Indian homesteads.

Off-Reservation Individual Allotments Under the General Allotment Act of February 8, 1887 (24 Stat., 388)

"Section 4: Allows any Indian not residing upon a reservation, or for whose tribe no reservation has been provided, to secure an allotment upon public lands." Thousands of acres of land in the public domain were assigned to Indians as individual allotments under the General Allotment Act of 1887. The plan was to turn Indians into ordinary farmers. The trust period was 25 years.

Section 5 states "This section also authorizes the president to extend this period of trust whenever deemed appropriate." Some of these allotments appear to have expired, since it wasn't until 28 years after 1887, on February 3, 1915, that the first Executive Order, No. 2133, was issued to extend by one year any public domain allotments set to expire in 1915. One-year extensions by Executive Order (2326, 2505, 2778, 3024, 3204) then followed each year until Executive Order 3365 of December 7, 1920, extended the trust period on all public domain allotments by 25 years beyond their expiration dates.

The earlier Indian Homestead Act of 1884 had imposed a 25-year trust period for Indian homesteads. A court case arose over a particular piece of property that had been taken under

the 1884 act of Congress. And a question arose whether Executive Orders starting in 1915 extending trust for Indian lands in the public domain applied to land taken under the 1884 Indian Homestead Act. In 1930, the U.S. Supreme Court ruled that "the Indian Homestead Act of July 4, 1884, and the General Allotment Act of February 8, 1887, with its various amendments, constitute part of a single system evidencing a continuous purpose on the part of Congress." The Supreme Court concluded that the same trust extension laws applied equally to trust allotments under the Indian Homestead Act of 1884 and the General Allotment Act of 1887. The General Allotment Act had authorized the President to extend trust periods as he deemed necessary. And an act of Congress on June 21, 1906 (34 Stat., 325, 326) authorized the president to extend alienation restriction periods "as he may deem best."

Executive Orders, General Orders and acts of Congress have now extended trust periods for Indian trust lands in the public domain indefinitely.

Individual Trust Allotments Within Reservations

Reservations, created by treaties and by acts of Congress, involved reserving some defined area of land for the exclusive use and benefit of a more-or-less defined group of Indians. There was no expiration date on reservations. Reservations are outside the trust relationship as defined for individual Indian homesteads and land allotments. Allotments of land within reservations were made extensively under the General

Allotment Act of 1887 and these allotments were placed in trust for 25 years.

The General Allotment Act of February 8, 1887 (24 Stat., 388) begins as follows:

"Section 1: Authorizes the president to allot tribal lands to individual Indians in designated amounts on reservations…."

"Section 5: Provides that after an Indian person is allotted land, the United States will hold the land in trust for the sole use and benefit of the Indian (or his heirs if the Indian landowner dies) for a period of 25 years."

Extensions of trust for individual allotments within reservations was authorized by Section 5, "This section also authorizes the president to extend this period of trust wherever deemed appropriate."

In an act of Congress dated June 21, 1906, (34 Stat., 325-326) further authority was given regarding alienation restrictions on Indian trust lands: "… the President may in his discretion continue such restrictions on alienation for such periods as he may deem best."

Individual allotments within each reservation were tracked separately by the Interior Department. Before the trust period expired, the Department prepared a special Executive Order or act of Congress to extend the trust period of the allotments on each reservation.

For many years, the trust relationship was intended to expire at some point. The idea was that all Indians living on or off of reservations would be given individual allotments under the General Allotment Act of 1887 and the remaining reservation land would be declared surplus and sold to non-Indians. Allottees on reservations or in the public domain would be protected by trust for twenty-five years before being given fee simple patents. At that point, the Indians would be treated just like the non-Indian landowners all around them. With fee simple patents, property taxes would be assessed and there would be no more oversight of leases or sales of Indian land. The reservation system would be finished. There would be no more reservation land, just individual property owners.

The General Allotment Act led to some 41 million acres of reservation land being assigned as individual allotments, all with 25-year trust periods. Some 60 million acres of reservation land was declared surplus after allotments were assigned and the "surplus" land sold or transferred to non-Indian ownership. Almost 30,000,000 of the 41,000,000 acres of allotted lands on reservations was sold to non-Indians or the Indian heirs were given fee simple patents by the Interior Department under the "Dead Indian" Act of May 29, 1908 (34 Stat., 444). Indian reservation lands declined from the 1887 total of 138,000,000 acres to 48,000,000 acres in 1934, with 20,000,000 of these remaining acres being unusable desert or semi-desert. Reservation acreage has been slightly restored to a level of 56,000,000 acres today.

The Indian Reorganization Act of June 18, 1934 (48 Stat., 984)

The philosophy initiated by the General Allotment Act changed with the Indian Reorganization Act of 1934. The practice of allotting pieces of the reservation to individual reservation members was stopped and the existing trust allotments were to have their trust periods extended indefinitely. This change was based on evidence that the implementation of the General Allotment Act had had a devastating effect upon the Indians. The Indians were not farmers, were given unproductive land and were given no resources or advice. The Indians found themselves forced into poverty and starvation.

Under the 1934 Indian Reorganization Act, reservation Indians were to be given a vote on whether to reject the benefits offered by the I.R.A. The I.R.A. provided an indefinite trust period for allotments, self-governing opportunities for reservations and material benefits for reservation members. Those reservations that met a 30% voting threshold of eligible voters and where more than 50% voted "No" on the I.R.A. went into another category, losing the benefits of the I.R.A. The natural distrust of U. S. Government by many Indians and the spread of misinformation and disinformation led some 30% of reservations to reject the I.R.A.

Voting results are shown in the document Ten Years of Tribal Government Under I.R.A. by Theodore H. Haas, Chief Counsel, United States Indian Service dated 1947, available online.

Voting results showed that one reservation failed to meet the 30% voting threshold and ten reservations did not vote. Six of the non-voting reservations had "No Residents", three had "No Votes", and one "refused to Hold Election". All eleven of these reservations were swept under the I.R.A. and received its indefinite extension of trust and other benefits. Only a valid vote to reject the I.R.A. led to a loss of I.R.A. benefits.

Significantly for our purposes, the Chief Moses Band was not mentioned in the 1947 Ten Year report on the I.R.A. The Chief Moses Band didn't vote on the I.R.A.

Only the reservations which rejected the I.R.A. by a vote did not receive indefinite extension of their allotment trust periods and the I.R.A. benefits.

An amendment to the I.R.A. was passed on June 15, 1935 (49 Stat., 378) dealing with voting rules and other matters. Section 3 of this act addressed reservations that may vote "No" on the I.R.A. and extended their trust period to December 31, 1936, for any reservation allotments with trust expiring between June 15, 1935 and December 31, 1936. The intent was to keep any allotments on reservations that may reject the I.R.A. under trust if their trust hadn't already been extended. This amendment was intended to capture any omissions of trust extension that may have occurred.

Trust periods for allotments on reservations that rejected the I.R.A. were later extended by Executive Orders, General Orders

and acts of Congress until today they too are now indefinitely extended.

The Moses Allotments

There is a third group of Indian allotments, not residing within any reservation and not created under the Indian Homestead Acts of 1875 or 1884 or the General Allotment Act of 1887. This third group have their own unique history.

These Indians were referred to on the Trust document as the Chief Moses Band, although they were a disparate assortment of Indians with different affiliations. Significantly, none of those who took Moses allotments were affiliated with the Columbia tribe of Chief Moses. Those who took allotments were an assortment of Indians with a variety of tribal affiliations previously living on the 3 million-acre Columbia reservation. Chief Moses and his people never did reside on the Columbia reservation.

The Columbia reservation was created on April 18, 1879. Its size was expanded by an Executive Order on March 6, 1880. Its size was reduced by an Executive Order on February 23, 1883. And it was set for extinction by act of Congress on July 4, 1884 (23 Stat., 79), when Congress ratified the Moses Agreement that had been negotiated between four central Washington Indian Chiefs and the Interior Department and signed on July 7, 1883.

Implementing this law, thirty-seven individual Moses allotments were assigned by Executive Order of President Grover Cleveland on May 1, 1886, and the remainder of the Columbia reservation land was opened for non-Indian homesteaders. Each allottee was named and survey details for each allotment were given. These tracts of land were "set apart for the permanent use and occupation of said Indians." These were not trust allotments and had no period of trust. Like reservations, they had an indefinite life with no defined end.

One of these allotments was given back to the United States because the individual chose to move to the Colville reservation. Three more individual allotments were assigned in 1890. One of the original allotments, MA-1, consisted of more than three square miles, a total of 2,180.8 acres. Thirty of the allotments were about 640 acres, five were about 500 acres, three were between 300 and 400 acres and the smallest was just over 200 acres. This was very different from the 40/80/160-acre allotments given under the Indian Homestead Acts and the General Allotment Act.

In response to the wishes of wealthy Seattle developers in 1905 or 1906, a bill was introduced in Congress to assign fee simple patents to all Moses allottees, enabling them to sell to the developers without Interior Department oversight. Allotments Numbers 8 through 17 on the north shore of Lake Chelan were specifically what the developers were interested in, but it didn't

seem possible to cut these ten allotments out for special treatment. The Interior Department balked at the fee simple patent proposal. A new bill was prepared and passed Congress (34 Stat., 55) on March 8, 1906, which instructed the Interior Department to issue ten-year trust patents to all Moses allotees and set an alienation restriction of 80 acres. Thus, the allottees could sell about 90% of their property to the development company with Interior Department oversight and approval. Only 25% of the Moses allotments were being pursued by developers. Eight of the ten allottees of the Lake Chelan allotments agreed to sell all but 80 acres and received reasonable prices, making them relatively wealthy. Two allotees, Nos. 8 and 10, a father and son, held out and refused to sell. The developers' agents went back to work and got another act of Congress (36 Stat., 1358) on March 4, 1911, instructing the Interior Department to act on behalf of the two holdout allottees if they would not agree to sell their land to the developers. The two holdouts quickly negotiated and sold most of their land.

Another act of Congress (43 Stat., 133) on May 20, 1924, removed all alienation restrictions on the Moses allotments. This still left them in trust, with Interior Department oversight, but allowed allottees to sell all their remaining land.

I mention these specific acts of Congress simply to show that the Moses allotments were a unique phenomenon and were

handled outside the framework of any other Indian lands or laws.

As far as the trust periods are concerned, the Moses allotments had been issued 10-year trust patents in 1906, to expire on March 8, 1916. Executive Order 2109 of December 23, 1914, extended the Moses allotment trust period to March 8, 1926. Then Executive Order 4382 of February 16, 1926 extended trust to March 8, 1936. Then Executive Order 6962 of February 4, 1935 was assigned mistakenly to the Chief Moses Band extending the Moses allotments trust to March 8, 1946. It seems clear that this assignment error stayed on the records for at least 22 years through 1957 and probably much longer. This led to a failure to prepare an executive order specifically to extend the trust period for the Moses allotments beyond March 8, 1936. The BIA understanding during the I.R.A. implementation period was that the Moses allotments trust didn't expire until March 8, 1946.

When asked by Judge Quackenbush for the status of trust for MA-8 in early 2010, the BIA could have informed the court about this history. This would have simplified the judge's work. The court could have ruled that the Moses allottees could not be harmed by an administrative mistake at the BIA and the extension to March 8, 1946, must stand. Then from 1946, General Orders would take over and acts of Congress would have now extended the Moses allotments' trust indefinitely. And that would have settled the trust status question. But, for

reasons that are unclear the BIA did not disclose this history to the Court.

Court Proceedings

The evidence I provided in early 2012 to all the attorneys involved in Case 2:09-cv-00018-JMQ was introduced into court in early 2013 by an attorney representing three fractional owners of MA-8. The dilemma presented to the court was, first, that the BIA representation of the history and status of the Moses allotments trust was flawed, and second, that the 1935 mis-assignment of Executive Order 6962 and its correction decades later left an expiration date of March 8, 1936. The 1957 Trust document shows the Moses allotments trust expiring on March 8, 1946, on the basis of Executive Order 6962. And the 2012 Trust document showed the Moses allotments trust expiring on March 8, 1936. Should the corrected trust expiration of March 8, 1936, be accepted or should the extension to March 8, 1946, be honored? The Indian canon of law requiring that ambiguities in the law be settled in favor of the Indians would seem to require that the extension to 1946 must be honored.

Unfortunately, this straight-forward question was not brought before the court by the BIA or the U.S. Attorney.

Conflicting Interests Are Aroused

The trust status of the Moses allotments had been raised by the campers association attorneys who had brought this suit using

the 1924 law that eliminated all alienation restrictions. They argued that once alienation restrictions were removed, trust should also be ended. This appeared to be a weak argument and not likely to succeed, since the 1924 law said nothing about trust. But whichever answer was given, still in trust or not, the campers on the MA-8 property who had brought the suit were going to be legally compelled to leave. The only question was who had the right to go to court and have them removed as trespassers--the BIA as trustee of the land or the fractional owners of the land themselves. The campers were seeking to delay their ejection as long as possible through this litigation.

Once the documents and facts I had discovered were introduced into court and the apparent termination of trust on March 8, 1936, shown on the 2012 Trust document became clear, this aroused powerful reactions.

Having given the court in 2010 a flawed history of the trust status of MA-8, the BIA seemingly didn't want the embarrassment of discussing a long-ago error in their agency.

The U.S. Attorney appears to have supported the desire of BIA to keep any discussion of the 1935 error out of the courtroom and to avoid any further BIA involvement in the case. And, indeed, the BIA is not heard from again. One would think that the judge would have demanded a proper accounting from the BIA for its flawed report to the court, but this didn't happen.

The Confederated Tribes of the Colville Reservation took special note of the trust issue because they operated an Indian casino

on leased MA-8 land. If the land was no longer in trust, then the casino would have to shut down.

The attorneys on the campers side were only interested in promoting the March 8, 1936 termination of trust. Their goal was to delay expulsion from the MA-8 land by expelling the BIA from involvement and putting the onus of handling their trespass onto the thirty fractional Indian owners of MA-8. They had no interest in a discussion of the possibility of honoring the 1935 ten-year trust extension by Executive Order 6962.

Thus, no party involved in the case had any interest in discussing the recording error involving Executive Order 6962.

And this opened the door to legal mischief.

Reactions In Court

My research findings, introduced into court, called everyone's attention to the Appendix to Chapter I of Title 25 (Indians) of the Code of Federal Regulations. The Appendix is titled "Extension of the Trust or Restricted Status of Certain Indian Lands." Up to this time, no party in the suit had made any reference to this document, which I am calling the Trust document.

Now, with the BIA submittal to the court clearly flawed, the U.S. Attorney and the lawyers for the Confederated Tribes of the Colville Reservation began to scour the 2012 version of the Trust document for some other avenue of trust extension for the Moses allotments. They noticed that the Chief Moses Band

is listed under "Reservation" and noticed that the Chief Moses Band did not have an asterisk next to its name while many other names did have an asterisk. They read the notes above this list and found the following statement:

Where the name of a reservation is not preceded by an asterisk, such reservation is not subject to the Reorganization Act and is not subject to the benefits of such indefinite trust or restricted period extension, but such reservation is dependent upon acts of Congress or Executive orders for extension of the trust or restricted period of the land.

On its face, that doesn't look very helpful. It just indicates that the Chief Moses Band "is not subject to the Reorganization Act." Up to this point, after all, no one in the BIA or anywhere else had asserted that the Moses allotments *were* subject to the I.R.A., which was aimed solely at affecting reservations and allotments within them. The I.R.A. sought to stop any further breakup of reservation land through the assignment of individual allotments, provide opportunities for reservation self-government, provide material support for economic development and education, and provide preferential hiring at the Agency of Indian Affairs for qualified Indians.

The research results I sent to all the attorneys in this case also cited the document, Ten Years of Tribal Government Under I.R.A. by Theodore H. Haas, Chief Counsel, United States Indian Service (January 1947). This document lists "Indian Tribes, Bands and Communities Which Voted to Accept or Reject the

Terms of the Indian Reorganization Act, the Dates When Elections Were Held, and the Votes Cast." The Chief Moses Band does not appear anywhere in this document. This explains why the Chief Moses Band had no asterisk next to the name on the Trust document. It was "not subject to the Reorganization Act."

But the notes on the Trust document go on to say this:

For the purpose of insuring the continuation of the trust or restricted status of Indian allotments within Indian reservations not subject to the Reorganization Act, Congress by the act of June 15, 1935 (49 Stat., 378) reimposed such restrictions as may have expired between the dates of June 18, 1934, and December 31, 1936.

Could this trust extension conceivably apply to the Moses allotments, whose trust period on the 2012 Trust document shows trust expiring on March 8, 1936?

Pressing on, the Colville attorney looked at the 1935 amendment to the I.R.A. to see what the law itself says.

Section 3 of the 1935 law says this:

If the period of trust or of restriction on any Indian land has not, before the passage of the Act, been extended to a date subsequent to December 31, 1936, and if the reservation containing such lands has voted or shall vote to exclude itself from the application of the Act of June 18, 1934, the periods of

trust or the restrictions on alienation of such lands are hereby extended to December 31, 1936.

We know that the 1935 Executive Order 6962 was thought to have extended the Moses allotments trust period to expire on March 8, 1946, even if in retrospect this assignment was in error. We also know that the Moses allotments are not contained within any existing reservation. And we know that the Chief Moses Band did not vote to exclude themselves from the I.R.A. Indeed, we know that the Chief Moses Band was not asked to vote on the I.R.A.

Given these facts, this would seem to be a poor option to pursue. But the U.S. Attorney and the Colville attorney chose to take this path anyway. This required a rationale that would place the Moses allotments within an existing reservation and to provide evidence that the Chief Moses Band "has voted or shall vote to exclude itself from" the I.R.A.

<u>Are the Moses Allotments Contained Within a Reservation?</u>

The Colville attorney argued (ECF 305-1, 12-17-2012, P. 7, L. 1) that the Moses allotments were still sitting inside the Columbia reservation, from which they had been carved in 1886, even though that reservation land, minus the Moses allotments, was returned to the public domain by an Executive Order of the President at that time.

The attorney said: "Only Congress can 'dissolve' an Indian reservation," and claimed that the Columbia reservation was

not legally returned to the public domain and therefore still exists. The attorney didn't pursue the implications of this suggestion for all the non-Indians who have, since 1886, been living on these lands. One would think that, if this argument is true, the judge should order all these trespassers off Columbia reservation land. Real-world implications were not the Colville attorney's problem, however, and he didn't speak to this complication. He only wanted the judge to declare that the Moses allotments were located within an existing reservation in order to overcome this obvious objection to applying the 1935 I.R.A. amendment to them for trust extension purposes.

However, recognizing that the judge might balk at such a sweeping conclusion with huge real-world implications, he offered another option. Why not just ignore the issue of a chain of trust authority altogether. "This Court," he wrote (same ECF, P. 10, L. 16-17), "does not need to agree with the proposition that MA-8 is reservation or a public domain allotment…. It only needs to follow the binding precedent that requires it to defer to the Executive's conclusion…that MA-8 is trust." Just accept the word of the BIA that MA-8 is in trust, he argued, even if the BIA in 2010 gave a provably false narrative of MA-8 trust history.

The U.S. Attorney chimed in (ECF 306, 12-19-2012, P. 3, L. 21-23) "…even if the path to continued trust status contains gray areas…. MA-8 remains in trust status," he asserted.

An attorney for the camping association that brought this suit commented (ECF 312, 1-21-2012, P. 2, L. 20-25) "Although it [referring to the Colville Tribes] claims the Moses Allotments are still a part of the active Columbia Reservation, during oral argument the Colville Tribes asserted that Moses Allotments are a part of the Colville Reservation." Desperate fantasy seemed to be taking hold.

Again, the U.S. Attorney weighed in (ECF 313, 1-22-2013, P. 2, L. 9-10), "The first question is whether the Moses allotments fall within the purview of a reservation for purposes of the IRA and the 1935 Act. Only Congress can diminish a reservation." Here he endorses the theory that the Columbia reservation still exists. But he moderates this position. "...even if the unallotted lands were severed from the [Columbia] reservation, the allotted lands remained reservation land," he asserts. And, therefore, the Moses allotments are "within the purview of a reservation for purposes of the IRA and the 1935 Act." This argument would make some sense if applied only to the 1886-1906 period. But once trust patents were issued to the Moses allottees in 1906, the analogy to reservation land was severed. One might argue, although the U.S. Attorney did not, that the Moses trust allotments were mapped onto the previously reserved allotments, placing each Moses allotment within each reserve allotment. But this implies that each Moses allotment is its own reservation. Neither the Interior Department nor the BIA ever has treated the Moses allotments as individual reservations.

Was the Columbia reservation illegally dissolved by executive order after the Moses allotments were made? Neither the Colville attorney nor the U.S. Attorney seem to have read the public law 23 Stat., 76 of 1884, which "accepted, ratified, and confirmed" the Moses Agreement authorizing allotments, and further states that "the remainder of said reservation to be thereupon restored to the public domain, and shall be disposed of to actual settlers under the homestead laws only." President Cleveland's 1886 executive order was simply implementing Congress' instructions in this 1884 law when he returned the remainder of the Columbia reservation to the public domain, as was recognized later by Judge Peterson after she inherited the case (ECF 503, page 31, lines 4-5, 07/09/20).

Did the Chief Moses Band Vote to Reject the I.R.A.?

The Colville attorney enters the fray once more (ECF 316, 1-22-2013, P. 3, L. 3-4. "Because the MCR [Moses Coulee Reservation. The correct title was the Columbia reservation] allotments are reservation and the Colville Tribes voted against the IRA, the 1935 Act's trust extension applies."

Presumably, he is saying that the Chief Moses Band reside on the Columbia reservation that was dissolved (illegally, in his view) in 1886. The BIA, of course, does not recognize the Columbia reservation as existing after 1886. And, in some unstated manner, the vote by the Colville reservation is deemed to be binding on the Chief Moses Band, even though he knows the Chief Moses Band didn't vote on the I.R.A. And

therefore, he argues, the 1935 Act's trust extension to December 31, 1936 applies to the Moses allotments. This assumes, of course, that Chief Moses Band trust expired on March 8, 1936 and not on March 8, 1946, the date that appeared on the BIA's records at the time that I.R.A. voting occurred.

Significantly, no one suggested that the BIA is the entity that should be answering questions about the existence of the Columbia reservation, whether the Moses allotments resided within the Colville reservation, whether the Chief Moses Band voted on the I.R.A. and if so the results of that vote, and on the debacle of Executive Order 6962 that led to the 2012 Trust document showing the termination of trust of the Chief Moses Band allotments on March 8, 1936.

Rumblings From Below: the MA-8 Owners

The Court received a letter dated March 1, 2013, with a statement signed by 13 of the 30 fractional owners (43%) of MA-8 asking for personal legal representation in this case and expressing doubts that their interests were being represented in the discussion of the trust question. The judge reported this letter in ECF 329, 8-1-2014, and concluded on P. 26-27, L. 10: "It is time for the individual landowners to have their own voice in the legal proceedings regarding MA-8." He added on P. 32, L. 10-12: "...the court concludes it would be fundamentally unfair to allow this case to proceed without legal counsel appointed on behalf of the requesting landowners."

In this same ECF 329, P. 9, L. 10-11, Judge Quackenbush refers to the 1907 Annual Report of the Commissioner of Indian Affairs and says:

The Moses Allotments were distinctly listed separate from the allotted land of the Colville reservation and Indian land in the public domain.

This seems to put an end to the idea that the Moses allotments were part of the Colville reservation or were Indian land in the public domain.

This makes short shrift of the BIA version of the chain of trust for the Moses allotments which has them running through the Public Domain Executive Order 3363 of 1920.

The term "Indian land in the public domain" was applied to trust allotments given under the Indian Homestead Acts of 1875 and 1884 and the General Allotment Act of 1887. The extension of trust periods of lands in the public domain were handled by Executive Orders on this single subject.

Judge Quackenbush also takes note of the fact that "the federal register in 1957…[shows] Executive Order 6962 as applying to the 'Chief Moses Band'…"(P. 15, L. 18-19).

The judge adds (P. 13, L. 18-19): "No President of the United States ever issued an Executive Order pertaining to MA-8 *prior to* the March 8, 1936 expiration date set by Executive Order 4382." Executive Order 6962 did not "pertain to" the Chief Moses Band, as anyone reading it can tell.

The judge does not latch onto E.O. 6962 as the central fact in the trust question of the Moses allotments. He could have asked the U.S. Attorney to return to the BIA and get a proper explanation of the whole E.O. 6962 episode. But he didn't.

The judge does point out, however (ECF 35-1, P. 1, L. 21-22), that "...this court is bound to...interpret law in a light most favorable to Indians." This canon of Indian law would certainly have allowed Judge Quackenbush to rule that the erroneous BIA extension of trust to March 8, 1946 by Executive Order 6962 on February 4, 1935 must be honored.

The only fact that was clear to the court was that this error appeared on the Trust document in 1957. Logically it must have happened in 1935 and been carried forward on the BIA records. Otherwise, an executive order or an act of Congress would have been prepared to extend the Moses allotments trust period before the March 8, 1936 expiration date.

Executive Order 6962 was signed on February 4, 1935 and the last trust extension of specific reservation allotment lands by Executive Order was 7036, signed on May 8, 1935. These executive orders affected only allotments where trust was due to expire in 1935. No special executive orders were prepared for any trust allotments on reservations due to expire in 1936. The last act of Congress prepared by the BIA for extending trust for specific reservation allotments was 49 Stat., 1106) dated February 11, 1936, for the Pala reservation in California which extended the trust status of those allotments by ten years.

Documents:

OVERVIEW OF AMERICAN INDIAN LAND ACQUISITION UNDER U.S. LAWS

Native American Indians and the Land

Originally open land with informal tribal boundaries and shared use for hunter-gatherer lifestyles.

United States government imposes its ownership rights to public domain lands.

Treaties and laws create Indian reservation lands with defined boundaries.
Land is reserved for the use and benefit of the reservation Indians.
Reservations are of indefinite length with the U. S. Government holding title.

Homestead acts (1862, 1875, 1884) lead to fee simple land titles and later to Indian trust titles.
1862 act titles are all fee simple. 1875 act are 5-year trust titles. 1884 act are 25-year trust titles.
Trust extensions by Executive Orders authorized by the General Allotment Act (1887).

Moses Agreement (1883) leads to large allotments reserved for individual Indians (most are 640 acres).
Reserve allotments are of indefinite length with the U. S. Government holding title.

General Allotment Act (1887) leads to on- and off-reservation allotments (40, 80 or 160 acres each).
All individual allotments have 25-year trust titles.
On-reservation trust extensions are made by Executive Orders authorized by the GAA (1887).
Off-reservation trust is extended by Public Domain Executive Orders under GAA (1887).

Moses allotments are converted to trust allotments in 1906, with 10-year trust titles issued.
Trust is extended by Executive Orders under authority of Public Law 258 of 1906.

Homestead Act of 1862

Summary

The Homestead Act of 1862 was passed by the U.S. Congress. It provided for the transfer of 160 acres (65 hectares) of unoccupied public land to each homesteader on payment of a nominal fee after five years of residence; land could also be acquired after six months of residence at $1.25 an acre. The government had previously sold land to settlers in the West for revenue purposes. As the West became politically stronger, however, pressure was increased upon Congress to guarantee free land to settlers. Several bills providing for free distribution of land were defeated in Congress; in 1860 a bill was passed in Congress but was vetoed by President Buchanan. With the ascendancy of the Republican party (which had committed itself to homestead legislation) and with the secession of the South (which had opposed free distribution of land), the Homestead Act, sponsored by Galusha A. Grow, became law. In 1976 it expired in all the states but Alaska, where it ended in 1986.

THIRTY-SEVENTH CONGRESS
Sess. II Ch. 75 1862

Chap. LXXV. -- *An Act to secure Homestead to actual Settlers on Public Domain.*

Be It enacted by the Senate and House of Representatives of the United States of America in assembled, That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States Government or given aid and comfort to its enemies, shall, from and after the first January, eighteen hundred and sixty-three, be entitled to enter one quarter section or a less quantity of unappropriated public lands, upon which said person may have filed a preëmption claim, or which may, at the time the application is made, be subject to preëmption at one dollar and twenty-five cents, or less, per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivision of the public lands, and after the same shall have been surveyed: Provided, That any person owning and residing on land may, under the provisions of this act, enter other land lying contiguous to his or her said land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

SEC. 2. *And be it further enacted,* That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family, or is twenty-one year or more

SEC. 3. *And be it further enacted,* That the register of the land office shall note all such applications on the tract books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 4. *And be it further enacted,* That no lands acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt of debts contracted prior to the issuing of the patent therefor.

SEC 5. *And be it further enacted,* That if, at any time after the filing of the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence or abandoned the said land for more than six months at any time, then and in that event the land so entered shall revert to the government.

SEC. 6. *And be it further enacted,* That no individual shall be permitted to acquire title to more than one quarter section under the provision of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provision into effect; and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provision of this act that they are now entitled to receive when the same quantity of land is entered with money, one half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate by the

of age, or shall have performed service in the army or navy of the United States, and that he has never borne arms against the Government of the United States or given aid and comfort to its enemies, and that such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person or person whomever; and upon filing the said affidavit with register or receiver, and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified: *Provided, however,* That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time within two years thereafter; the person making such entry; or, if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death; shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid, and shall make affidavit that no part of said land has been alienated, and that he has borne true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, as in other cases provided for by law; *And provided further,* That in case of the death of both father and mother, leaving an infant child or children, under twenty-one years of age, the right and fee shall enure to the benefit of said infant child or children; and the executor, administrator or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicil, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States, on payment of the office fees and sum of money herein specified.

person to whom it may be issued; but this shall not be construed to enlarge the maximum of compensation now prescribed by law for any register or receiver; *Provided,* That nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing preëmption rights. *And provided, further,* That all persons who may have filed their applications for a preëmption right prior to the passage of this act, shall be entitled to all privileges of this act: Provided, further, That no person who has served, or may hereafter serve, for a period of not less than fourteen days in the army or navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this act on account of not having attained the age of twenty-one years.

SEC. 7. *And be it further enacted,* That the fifth section of the act entitled "An act in addition to an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved the third of March, in the year eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits, required or authorized by this act.

SEC. 8. *And be it further enacted,* That nothing in this act shall be so construed as to prevent any person who has availed him or herself of the benefits of the first section of this act, from paying the minimum price, or the price to which the same may have graduated, for the quantity of land so entered at any time before the expiration of the five years, and obtaining a patent therefor from the government, as in other cases provided by law, on making proof of settlement and cultivation as provided by existing laws granting preëmption rights

Approved, May 20, 1862.
Vol. XII Pub -- 50 page 393

INDIAN AFFAIRS: LAWS AND TREATIES

Vol. I, Laws (Compiled to December 1, 1902)

Compiled and edited by Charles J. Kappler. Washington : Government Printing Office, 1904.

ACTS OF FORTY-THIRD CONGRESS—SECOND SESSION, 1875.

CHAP. 131 | CHAP 132 | CHAP 133

Page Images

Chapter 131
Sections 15 | 16

Margin Notes	
Sec. 15	Certain Indians entitled to benefit of homestead laws. R. S., 2289, 2302. 1884, July 4,c. 180. post. p. 31. 1887, Feb. 8. c. 119, post. p. 33. 1891, Feb. 28, c. 383, post. p. 57.
Sec. 15	— not to alienate same. &c. 1893. Mar. 3. c. 209, post, p. 66.
Sec. 15	— interest of, in tribal property, &c.
Sec. 16	— entries of homestead by, heretofore made, confirmed. 147 U. S., 640: 5 Dakota, 335.

{Page 23}

Chapter 131
Mar. 3, 1875. | 18 Stat., 402

Page Images

An act making appropriations to supply deficiencies in the appropriations for fiscal years ending June thirtieth, eighteen hundred and seventy-five, and prior years, and for other purposes.

SEC. 15

That any Indian born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter abandon, his tribal relations, shall, on making satisfactory proof of such abandonment, under rules to

be prescribed by the Secretary of the Interior, be entitled to the benefits of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May twentieth, eighteen hundred and sixty-two, and the acts amendatory thereof, except that the provisions of the eighth section of the said act shall not be held to apply to entries made under this act:

Provided, however, That the title to lands acquired by any Indian by virtue hereof shall not be subject to alienation or incumbrance, either by voluntary conveyance or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor:

Provided, That any such Indian shall be entitled to his distributive share of all annuities, tribal funds, lands, and other property, the same as though he had maintained his tribal relations; and any transfer, alienation, or incumbrance of any interest he may hold or claim by reason of his former tribal relations shall be void.

SEC. 16

That in all cases in which Indians have heretofore entered public lands under the homestead-law, and have proceeded in accordance with the regulations prescribed by the Commissioner of the General Land Office, or in which they may hereafter be allowed to so enter under said regulations prior to the promulgation of regulations to be established by the Secretary of the Interior under the fifteenth section of this act, and in which the conditions prescribed by law have been or may be complied with, the entries so allowed are hereby confirmed, and patents shall be issued thereon; subject, however, to the restrictions and limitations contained in the fifteenth section of this act in regard to alienation and incumbrance. [*March 3, 1875.*]

NOTE.—The provisions here referred to are incorporated into Revised Statutes in sections noted in the margin. The eighth section of the act of 1862, ch. 75 (12 Stat., 392), here excepted, forms sec. 2301 of Revised Statutes.

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Indian Homestead Act of 1884 means the **act of July 4, 1884: Act of Congress (23 Stat. 96)** providing that all Indians then located on public land might avail themselves of the homestead laws; that all patents therefor should be of the legal effect and declare that the United States holds the lands thus entered for a period of 25 years in trust for said Indian, or in the case of his decease, for his widows and heirs, according to the law of the state where land is located, and that at the expiration of said period the Unites States will convey the same by patent in fee discharged of said trust and free of all charges and encumbrances.

Indian Homestead Act of 1884 Definition | Law Insider
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Overview | **Background** | **History** | **In practice** | **End of homesteac**

The Homestead Acts were several laws in the United States by which an applicant could acquire ownership of government land or the public domain, typically called a homestead. In all, more than 160 million acres (650 thousand km ; 250 thousand sq mi) of public land, or nearly 10 percent of the total area of the United States, was given away free to 1.6 million homesteaders; most of th...

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Supreme Court | US Law - LII / Legal Information Institute
https://www.law.cornell.edu/supremecourt/text/280/183
Web The purpose of the 1906 act, said the District Court, was to permit the continuation of restrictions in patents issued to **Indian** allottees, that is, to Indians who received patents ...

Legal Status of Indians in 1890 | Access Genealogy
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Web Georgia (6 Peters, 515) the **Indian** tribes residing within the United States were recognized in

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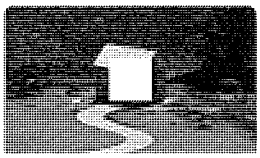

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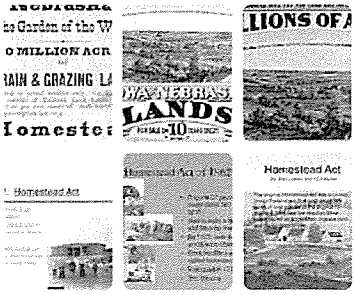

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Meeker, four hundred and sixty dollars; Mrs A. D. Meeker, seven hundred and seventy-eight dollars and eighty-five cents; Sophronia E. Price, seven hundred and one dollars and fifty cents; Sarah M. Post, five hundred dollars; W. E. Eskridge, two hundred and twenty dollars; George T. Dresser, eight hundred and eighty-one dollars; George L. Shepard, one hundred and eight dollars; Thomas F. Thompson, two hundred and three dollars; Albert A. Woodbury, seventy-nine dollars and fifty cents; E. L. Mansfield, one hundred and eighty-seven dollars and twenty-five cents; McLane and Dillman, three hundred dollars; in all, four thousand four hundred and nineteen dollars and ten cents.

Provisions of homestead laws made applicable to Indians, etc.

That such Indians as may now be located on public lands, or as may, under the direction of the Secretary of the Interior, or otherwise, hereafter, so locate may avail themselves of the provisions of the homestead laws as fully and to the same extent as may now be done by citizens of the United States; and to aid such Indians in making selections of homesteads and the necessary proofs at the proper land offices, one thousand dollars, or so much thereof as may be necessary, is hereby appropriated; but no fees or commissions shall be charged on account of said entries or proofs.

Fees and commissions for entries excluded.

Lands to be held in trust, etc., by U. S.

All patents therefor shall be of the legal effect, and declare that the United States does and will hold the land thus entered for the period of twenty-five years, in trust for the sole use and benefit of the Indian by whom such entry shall have been made, or, in case of his decease, of his widow and heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his widow and heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever.

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General Allotment Act, Act of Feb. 8, 1887 (24 Stat. 388, ch. 119, 25 USCA 331)

Relevant Provisions:
Size of allotments; public domain allotments; trust land; descent and partition; trust funds; rights of way; citizenship; trust periods

Section 1: Authorizes the president to allot tribal lands to individual Indians in designated amounts on reservations created by treaty, act of Congress, or executive order. If a treaty or agreement with a tribe was made earlier and provided for larger allotments to members of that tribe, the president is authorized to allot land according to the treaty or agreement. If the lands are not suitable for farming but appropriate for grazing, the president is authorized to allot sections of land larger than the amounts specified in this section of the General Allotment Act.

Section 2: Provides that the Indian allottees themselves make their own selection of land as to accommodate those who had already made improvements or built upon a piece of land. Indian heads of families are authorized to select allotments for their children and Indian reservation agents are authorized to select land for orphans. This section also authorizes the secretary of interior to direct agents to make allotment selections for individual Indians who fail to select land within four years of the president's direction to allot the reservation.

Section 3: Stipulates that allotments shall be made by agents, regular and special. Allotments will be certified and certificates duplicated, so that one copy is held by the Indian office, and one copy in the General Land Office.

Section 4: Allows any Indian not residing upon a reservation, or for whose tribe no reservation has been provided, to secure an allotment upon public lands.

Section 5: Provides that after an Indian person is allotted land, the United States will hold the land "in trust [1] for the sole use and benefit of the Indian" (or his heirs if the Indian landowner dies) for a period of 25 years. (Land held in trust by the United States government cannot be sold or in anyway alienated by the Indian landowner, since the United States government considers the underlying ownership of the land held by itself and not the tribe. After the period of trust ends, the Indian landowner is free to sell the land and is free from any encumbrance from the United States.) This section also authorizes the president to extend this period of trust wherever deemed appropriate.

This section states further that:

> Any contract made that involves the land before the end of the trust period is null and void; after patents have been issued to Indians for their allotments, the laws of descent and partition of the State in which the allotments are located replace tribes' inheritance laws and are applied to the allotment; and, if there is any land on the reservation that has not been allotted, the Secretary of the Interior is authorized to negotiate with the tribe for

the purchase of this surplus land by the United States. These purchases have to be ratified by Congress and will be sold to white settlers in tracts not exceeding 160 acres. Money that is earned by selling the land to white settlers is to be held in trust by the government for the sole use of tribes to whom the reservation belonged but subject to appropriation by Congress for the education and civilization of the Indians.

This section also states a hiring preference for Indian people in public service who have followed the provisions of the General Allotment Act and have become citizens of the United States.

Section 6: After allotments have been made, every member of the bands or tribes to whom allotments have been made are subject to laws of the state or territory in which they reside. Every individual Indian who receives trust patents is bestowed with United States citizenship (This section was amended by the Burke Act in 1906 [2]).

Section 7: The secretary of the interior is authorized to prescribe rules and regulations for water rights on irrigated lands within the reservation.

Section 8: None of the Cherokees, Creeks, Choctaws, Seminoles, Osage, Miamies, Peorias, Sacs and Foxes, in Indian Territory, nor any reservations of the Seneca Nation of New York, nor an executive order reservation in Nebraska, are subject to the provisions of the General Allotment Act.

Section 10: Nothing in the act is to be construed as affecting the right of Congress to grant right of way through lands granted to an Indian person or tribe, or condemn such lands to public uses, upon making just compensation.

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Chapter 629

Mar. 8, 1906. [H. R. 10697.] | [Public, No. 37.] 34 Stat., 55.

Page Images

An act providing for the issuance of patents for lands allotted to Indians under the Moses agreement of July seventh, eighteen hundred and eighty-three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents to such Indians as have been allotted land under and by virtue of the agreement concluded July seventh, eighteen hundred and eighty-three, by and between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville reservations, commonly known as the Moses agreement, accepted, ratified, and confirmed by the act of Congress approved July fourth, eighteen hundred and eighty-four (Twenty-third Statutes, pages seventy-nine and eighty), which patents shall be of legal effect and declare that the United States does and will hold the lands thus allotted for the period of ten years from the date of the approval of this act in trust for the sole use and benefit of the Indian to whom such allotment was made, or in case of his decease, either prior or subsequent to the issuance of such patent, of his heirs, according to the laws of the State of Washington, and that at the expiration of said period the United States will convey the same by patent to the said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever. And if any conveyance shall be made of the lands so held in trust by any allottee or his heirs, or any contract made touching the same, except as herein-after provided, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void.[1]

[1] U. S. v. Moore, 161 Fed., 513; Starr v. Long Jim, 227 U. S., 613; 40 L. D., 212.

{Page 162}

SEC. 2

That any allottee to whom any trust patent shall be issued under the provisions of the foregoing section may sell and convey all the lands covered thereby, except eighty acres, under rules and regulations prescribed by the Secretary of the Interior. And the heirs of any deceased Indian to whom a patent shall be issued under said section may in like manner sell and convey all of such inherited allotment except eighty acres, but in case of minor heirs their interests shall be sold only by a guardian duly appointed by the proper court upon the order of such court, made upon petition filed by the guardian, but all such conveyances shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser the same as if a final patent without restrictions upon alienation had been issued to the allottee. All allotted land alienated under the provisions of this act shall thereupon be subject to taxation under the laws of the State of Washington.

Approved, March 8, 1906.

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Documents:

PRESIDENTIAL AUTHORITY OVER TRUST PERIODS

Presidential Extension of Trust or Alienation Restrictions

Trust and alienation restrictions on Indian lands have been treated as nearly equivalent by Congress, the President and the Courts. Alienation restrictions always imply a trust relationship but a trust relationship may exist without alienation restrictions.

THE GENERAL ALLOTMENT ACT OF FEBRUARY 8, 1887

(24 Stat., 388), Section 5

"Provides that after an Indian person is allotted land, the United States will hold the land in trust for the sole use and benefit of the Indian (or his heirs if the Indian landowner dies) for a period of 25 years. (Land held in trust by the United States government cannot be sold or in anyway alienated by the Indian landowner, since the United States government considers the underlying ownership of the land held by itself and not the tribe. After the period of trust ends, the Indian landowner is free sell the land and is free from any encumbrance from the United States .) This section also authorizes the president to extend this period of trust wherever deemed appropriate."

PUBLIC LAW NO. 258 OF JUNE 21, 1906

(34 Stat., 325), I. GENERAL PROVISIONS. PRESIDENT.

"That prior to the expiration of the trust period of any Indian allotee to whom a trust or other patent containing restrictions upon alienation has been or shall be issued under any law or

treaty the President may in his discretion continue such restrictions on alienation for such period as he may deem best: *Provided, however,* That this shall not apply to lands in the Indian Territory."

By extending alienation restrictions the trust relationship is also extended.

The Supreme Court, in United States v. Jackson, 280 U.S. 183, decided January 6,1930, ruled that Public Law 258 of 1906 with its authority to extend restrictions on alienation applied to land allotted under the 1884 Indian Homestead Act as well as the General Allotment Act of 1887. Both Acts imposed 25-year trust periods.

The broad and sweeping language of Public Law 258 of 1906 gives the President authority to extend alienation restrictions (and hence the trust period) of any Indian land currently in trust or with a patent containing alienation restrictions.

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General Allotment Act, Act of Feb. 8, 1887 (24 Stat. 388, ch. 119, 25 USCA 331)

Relevant Provisions:
Size of allotments; public domain allotments; trust land; descent and partition; trust funds; rights of way; citizenship; trust periods

Section 1: Authorizes the president to allot tribal lands to individual Indians in designated amounts on reservations created by treaty, act of Congress, or executive order. If a treaty or agreement with a tribe was made earlier and provided for larger allotments to members of that tribe, the president is authorized to allot land according to the treaty or agreement. If the lands are not suitable for farming but appropriate for grazing, the president is authorized to allot sections of land larger than the amounts specified in this section of the General Allotment Act.

Section 2: Provides that the Indian allottees themselves make their own selection of land as to accommodate those who had already made improvements or built upon a piece of land. Indian heads of families are authorized to select allotments for their children and Indian reservation agents are authorized to select land for orphans. This section also authorizes the secretary of interior to direct agents to make allotment selections for individual Indians who fail to select land within four years of the president's direction to allot the reservation.

Section 3: Stipulates that allotments shall be made by agents, regular and special. Allotments will be certified and certificates duplicated, so that one copy is held by the Indian office, and one copy in the General Land Office.

Section 4: Allows any Indian not residing upon a reservation, or for whose tribe no reservation has been provided, to secure an allotment upon public lands.

Section 5: Provides that after an Indian person is allotted land, the United States will hold the land "in trust [1] for the sole use and benefit of the Indian" (or his heirs if the Indian landowner dies) for a period of 25 years. (Land held in trust by the United States government cannot be sold or in anyway alienated by the Indian landowner, since the United States government considers the underlying ownership of the land held by itself and not the tribe. After the period of trust ends, the Indian landowner is free to sell the land and is free from any encumbrance from the United States.) This section also authorizes the president to extend this period of trust wherever deemed appropriate.

This section states further that:

> Any contract made that involves the land before the end of the trust period is null and void; after patents have been issued to Indians for their allotments, the laws of descent and partition of the State in which the allotments are located replace tribes' inheritance laws and are applied to the allotment; and, if there is any land on the reservation that has not been allotted, the Secretary of the Interior is authorized to negotiate with the tribe for

June 21, 1906. [H. R. 15331.] | [Public, No. 258.] 34 Stat., 325.

I. GENERAL PROVISIONS.

PRESIDENT.

That prior to the expiration of the trust period of any Indian allottee to whom a trust or other patent containing restrictions upon alienation has been or shall be issued under any law or treaty the President may in his discretion continue such restrictions on alienation for such period as he may deem best: *Provided, however,* That this shall not apply to lands in the Indian Territory.

Documents:

MOSES ALLOTMENTS TRUST HISTORY

Chapter 629

Mar. 8, 1906. [H. R. 10697.] | [Public, No. 37.] 34 Stat., 55.

Page Images

An act providing for the issuance of patents for lands allotted to Indians under the Moses agreement of July seventh, eighteen hundred and eighty-three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents to such Indians as have been allotted land under and by virtue of the agreement concluded July seventh, eighteen hundred and eighty-three, by and between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville reservations, commonly known as the Moses agreement, accepted, ratified, and confirmed by the act of Congress approved July fourth, eighteen hundred and eighty-four (Twenty-third Statutes, pages seventy-nine and eighty), which patents shall be of legal effect and declare that the United States does and will hold the lands thus allotted for the period of ten years from the date of the approval of this act in trust for the sole use and benefit of the Indian to whom such allotment was made, or in case of his decease, either prior or subsequent to the issuance of such patent, of his heirs, according to the laws of the State of Washington, and that at the expiration of said period the United States will convey the same by patent to the said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever. And if any conveyance shall be made of the lands so held in trust by any allottee or his heirs, or any contract made touching the same, except as herein-after provided, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void.[1]

[1] U. S. v. Moore, 161 Fed., 513; Starr v. Long Jim, 227 U. S., 613; 40 L. D., 212.

{Page 162}

SEC. 2

That any allottee to whom any trust patent shall be issued under the provisions of the foregoing section may sell and convey all the lands covered thereby, except eighty acres, under rules and regulations prescribed by the Secretary of the Interior. And the heirs of any deceased Indian to whom a patent shall be issued under said section may in like manner sell and convey all of such inherited allotment except eighty acres, but in case of minor heirs their interests shall be sold only by a guardian duly appointed by the proper court upon the order of such court, made upon petition filed by the guardian, but all such conveyances shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser the same as if a final patent without restrictions upon alienation had been issued to the allottee. All allotted land alienated under the provisions of this act shall thereupon be subject to taxation under the laws of the State of Washington.

Approved, March 8, 1906.

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CHIEF MOSES BAND.

It is hereby ordered, under authouity contained in section 5 of the act of February 8, 1887 (24 Stat. L., 388), and the act of June 21, 1906 (34 Stat. L., 325-326), that the ten-year period of trust on all allotments made to members of the Chief Moses

Band of Indians, in the State of Washington, under the agreement of July 7, 1883, as ratified and confirmed by the act of July 4, 1884 (23 Stat. L., 79-80), the title to which has not passed from the United States, be, and the same is hereby, extended for a further period of ten years.

WOODROW WILSON.

THE WHITE HOUSE, *23 December, 1914.*

Executive Order No. 2109

Chapter 160
May 20, 1924. | [H. R. 2878.] 43 Stat., 133.

An Act To authorize the sale of lands allotted to Indians under the Moses agreement of July 7, 1883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any allottee to whom a trust patent has heretofore been or shall hereafter be issued by virtue of the agreement concluded on July 7, 1883, with Chief Moses and other Indians of the Columbia and Colville Reservations, ratified by Congress in the Act of July 4, 1884 (Twenty-third Statutes at Large, pages 79 and 80), may sell and convey any or all the land covered by such patents, or if the allottee is deceased the heirs may sell or convey the land, in accordance with the provisions of the Act of Congress of June 25, 1910 (Thirty-sixth Statutes at Large, page 855).

Approved, May 20, 1924.

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Indians. Executive order [providing that 10 year period of trust on allotments made to members of Chief Moses band of Indians, in State of Washington, be extended for period of 10 years, from Mar. 8, 1926, with exception of allotment made in name of Julia Cecil Thorpe]. Feb. 10, 1926. 1 p. f
(No. 4382.) t Pr 30.5 : W 279/10

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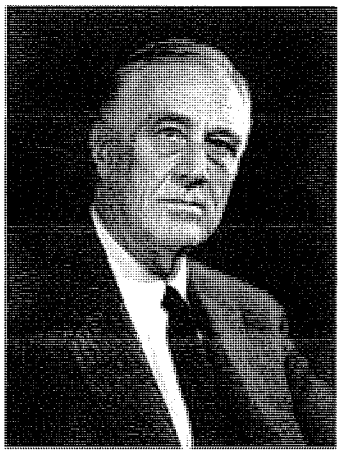

FRANKLIN D. ROOSEVELT (/PEOPLE/PRESIDENT/FRANKLIN-D-ROOSEVELT)

Executive Order 6962— Extension of Trust Periods on Allotments Made to Indians of the Colville Reservation

February 04, 1935

By virtue of and pursuant to the authority vested in me by section 5 of the act of February 8, 1887 (ch. 119, 24 Stat. 388, 389), and the act of June 21, 1906 (ch. 3504, 34 Stat. 325, 326), it is ordered that the periods of trust on allotments made to Indians of the Colville Reservation, Washington, which, unless extended, would expire during the calendar year 1935, be, and they are hereby, extended for a further period of 10 years from the date on which any such trust would otherwise expire; Provided, however, That extensions of the trust periods herein provided for are made subject to the provisions of the act of June 18, 1934 (ch. 576, 48 Stat. 984), and if a majority of the adult Indians of said reservation voting at the election to be held under section 18 of said act shall vote in favor of the application of the provisions of the act to the reservation, then this order shall thereafter cease to be of force and effect.

FRANKLIN D. ROOSEVELT

The White House,

Indians
Indian Probate Proceedings and Escheat of Indian Estates—Delegations of Authority—General
Executive Order 10732—Amendment of Executive Order No. 10250, Providing for the Performance of Certain Functions of the President by the Secretary of the Interior
Republication of Regulations

Page Images

VOLUME 22—1957
December 6, 1957

REPUBLICATION OF REGULATIONS

Margin Notes	
VOLUME 22—1957	10513
VOLUME 22—1957	10675
VOLUME 22—1957	10676
VOLUME 22—1957	10676

Page 1507

Chapter I of Title 25 is republished to read as set forth below. Since its original codification, there have been numerous amendments and additions to the chapter. To facilitate the use of this material, the various amendments and additions are brought together in their entirety and the chapter has been arranged on a functional rather than alphabetical basis.

The numbers of the parts in this chapter have been adjusted to conform with its revised arrangement. The effective date of these numbers shall be the date of this republication. Existing delegations of authority, forms and other legal or administrative documents which refer to former part numbers of Chapter I are continued in effect and shall be construed to refer to the new part numbers until modified or revoked. A listing of the respective new and former part numbers is set forth below.

It is the intent of the Department in preparing this republication to make no substantive changes in the regulations and this republication is approved accordingly.

FRED A. SEATON,
Secretary of the Interior.

APPENDIX—EXTENSION OF THE TRUST OR RESTRICTED STATUS OF CERTAIN INDIAN LANDS

This appendix contains citations of Executive orders and acts of Congress continuing the trust or restricted period of Indian land, which would have expired otherwise, within the several Indian reservations in the States named. The asterisk to the left of the name of a reservation indicates that the reservation is subject to the benefits of the Indian Reorganization

State	Reservation	E.O. No.	Date	Period of extension
Arizona	*Papago	2066	Oct. 27, 1914	10 years.
Do	do	4464	June 28, 1926	Do.
California	Agua Caliente	3446	Apr. 30, 1921	Do.
Do	do	5580	Mar. 16, 1931	Do.
Do	Cabazon and Twenty-nine Palms	3302	July 7, 1920	5 years.
Do	do	4159	Feb. 19, 1925	10 years.
Do	*Captain Grande	3048	Feb. 27, 1919	5 years.
Do	do		Act of Feb. 8, 1927 (44 Stat. 1061)	10 years.
Do	Hoopa Valley (Klamath River).	2943	Aug. 23, 1918	1 year.
Do	do		Sept. 23, 1919	Do.
Do	do	3304	July 10, 1920	10 years.
Do	do	3980	Mar. 26, 1924	15 years.
Do	do	5416	Aug. 4, 1930	10 years.
	Mission Bands:			
Do	Augustine	2795	Jan. 26, 1918	Do.
Do	Campo	2795	do	Do.
Do	*Cuyapipe	2795	do	Do.

Do	Inaja	2795	do	Do.
Do	*Laguna	2795	do	Do.
Do	*La Posta	2795	do	Do.
Do	*Manzanita	2795	do	Do.
Do	Mesa Grande	2795	do	Do.
Do	Pala	2795	do	Do.
Do	Ramona	2795	do	Do.
Do	Santa Ysabel	2795	do	Do.
Do	Sycuan	2795	do	Do.
Do	do	3383	Jan. 7, 1921	25 years.
Do	San Manuel	2795	Jan. 26, 1918	10 years.
Do	Temecula	2795	do	Do.
Do	All of above Mission Bands	4765	Nov. 23, 1927	Do.
Do	Morongo	6341	Oct. 17, 1933	Do.
Do	Pala	3383	Jan. 7, 1921	25 years.
Do	do		Act of Feb. 11, 1936 (49 Stat. 1106)	10 years.
Do	Potrero and Rincon	2684	Aug. 16, 1917	Do.
Do	do	4687	July 11, 1927	Do.
Do	*Round Valley	3223	Feb. 5, 1920	3 years.
Do	do	3805	Mar. 5, 1923	10 years.
Do	do	3995	Apr. 19, 1924	Do.
Do	do	5953	Nov. 23, 1932	Do.
Do	Temecula	3699	June 27, 1922	Do.
Do	do	5768	Dec. 30, 1931	Do.
Do	Torres Martinez	7009	Apr. 10, 1935	Do.
Idaho	Nez Perce	3250	Mar. 24, 1920	Do.

Do	do	4694	July 22, 1927	Do.
Do	do	5305	Mar. 18, 1930	Do.
Kansas and Nebraska	*Iowa	2966	Sept. 23, 1918	Do.
Do	do	5023	Jan. 10, 1929	Do.
Do	*Sac and Fox	607	May 4, 1917	Do.
Do	do	4571	Jan. 24, 1927	Do.
Do	do	5768	Dec. 30, 1931	Do.
Kansas	*Kickapoo	3301	July 3, 1920	1 year.
Do	do	3447	May 2, 1921	10 years.
Do	do	5415	Aug. 4, 1930	Do.
Do	do	5626	May 18, 1931	Do.
Do	*Potawatomi	2747	Nov. 2, 1917	Do.
Do	do	2927	July 30, 1918	Do.
Do	do	3312	July 21, 1920	Do.
Do	do	1688	July 11, 1927	Do.
Do	do	4858	Apr. 16, 1928	Do.
Do	do	5299	Mar. 10, 1930	Do.
Do	do	5356	May 28, 1930	Do.
Do	do	5556	Feb. 11, 1931	Do.
Minnesota	*Fond du Lee	3445	Apr. 30, 1921	Do.
Do	do	5575	Mar. 12, 1931	Do.
Do	*Grand Portage	3613	Jan. 12, 1922	Do.
Do	do	5768	Dec. 30, 1931	Do.

Do	*Winnibigoshish	3614	Jan. 12, 1922	Do.
Do	do	5466	Oct. 22, 1930	Do.
Do	*Winnibigoshish	5768	Dec. 30, 1931	10 years.
Do	*Deer Creek	4154	Feb. 10, 1925	Do.
Do	*Bois Fort	4233	May 26, 1925	Do.
Do	*Leech Lake, Cass Lake, and White Oak Point	4298	Aug. 29, 1925	Do.
Do	do	5466	Oct. 22, 1930	Do.
Do	*White Earth	4642	May 5, 1927	Do.
Do	do	5768	Dec. 30, 1931	Do.
Do	do	5953	Nov. 23, 1932	Do.
Do	*Red Lake	5833	June 26, 1930	Do.
Montana	Crow	5301	Mar. 12, 1930	Do.
Do	do	5768	Dec. 30, 1931	Do.
Do	do	7001	Apr. 5, 1935	Do.
Do	Crow, (Cont.)		Act of April 1940 (54 Stat. 106)	To May 23, 1940
Do	*Flathead	5953	Nov. 23, 1932	10 years
Nebraska	*Omaha		July 3, 1909	Do.
Do	do	3111	July 10, 1919	Do.
Do	do	4145	Jan. 28, 1925	Do.
Do	do	4548	Dec. 4, 1926	Do.
Do	do	5148	July 3, 1929	Do.
Do	do	5253	Dec. 31, 1929	Do.

Do	*Ponca	2374	Apr. 29, 1916	Do.
Do	do	4407	Mar. 30, 1926	Do.
Do	*Santee		Dec. 12, 1910	Do.
Do	do	3348	Nov. 5, 1920	Do.
Do	do	3722	Aug. 12, 1922	Do.
Do	*Santee Sarah Jones allotment	4075	Sept. 17, 1924	Do.
Do	*Santee	5474	Oct. 31, 1930	Do.

State	Reservation	E.O. No.	Date	Period of extension
Nebraska (Cont.)	*Santee (Cont.)	5768	Dec. 30, 1931	10 years.
Do	do	5953	Nov. 23, 1932	Do.
Do	*Winnebago	2965	Sept. 20, 1918	Do.
Do	do	4548	Dec. 4, 1926	Do.
Do	do	4979	Oct. 16, 1928	Do.
Do	do	4994	Nov. 14, 1928	Do.
Do	*Sac and Fox, William Banks allotment	3878	July 27, 1923	1 year.
Nevada	*Walker River	5730	Oct. 8, 1931	10 years.
North Dakota	Devils Lake	2804	Feb. 11, 1918	Do.
Do	do	3853	May 23, 1923	Do.
Do	do	4775	Nov. 30, 1927	Do.
Do	do	5303	Mar. 12, 1930	Do.
Do	do	5768	Dec. 30, 1931	Do.
Do	do	5953	Nov. 23, 1932	Do.
Do	*Fort Berthold	4293	Aug. 25, 1925	Do.
Do	*Standing Rock	5768	Dec. 30, 1931	Do.
Do	do	5953	Nov. 23, 1932	Do.

Oklahoma	Absentee Shawnee and Citizen Potawatomi	2494	Nov. 24, 1916	Do.
Do	do	2512	Jan. 15, 1917	Do.
Do	do	4557	Dec. 23, 1926	Do.
Do	Cheyenne and Arapaho	2580	Apr. 4, 1917	Do.
Do	do	4587	Feb. 17, 1927	Do.
Do	Eastern Shawnee	2317	Feb. 15, 1916	Do.
Do	do	4384	Feb. 20, 1926	Do.
Do	do	5768	Dec. 30, 1931	Do.
Do	Mexican Kickapoo	3047	Feb. 27, 1919	5 years.
Do	do	1029	June 19, 1924	10 years.
Do	do		Act of Feb. 17, 1933(47 Stat.819).	Do.
Do	Modoe	2453	Sept. 14, 1916	Do.
Do	do	4470	July 1, 1926	Do.
Do	Ottawa, Seneca and Wyandotte	2591	Apr. 11, 1917	Do.
Do	do	4588	Feb. 17, 1927	Do.
Do	Pawnee	2816	Mar. 2, 1918	Do.
Do	do	4898	May 29, 1928	Do.
Do	Ponca	3327	Sept. 19, 1920	1 year.
Do	do	3363	Dec. 1, 1920	25 years.
Do	do	5539	Jan. 23, 1931	10 years.
Do	Sac and Fox, and Iowa		Mar. 27, 1896	Do.
Do	do		July 23, 1906	Do.
Do	do		Aug. 28, 1906	Do.
Do	Sac and Fox, and Iowa	2432	Aug. 1, 1916	10 years.
Do	do	4435	Apr. 29, 1926	Do.
Do	Tonkawa	2866	May 25, 1918	Do.
Do	Tonkawa (Oakland)	4816	Feb. 25, 1928	Do.
Do	Kaw		Act of March 1923 (42 Stat. 1561).	25 years.

Do	do		Act of May 27, 1924 (43 Stat. 1761.	20 years.
Do	Otoe and Missouri	4281	Aug. 11, 1925	10 years.
Do	do	5728	Sept. 29, 1931	Do.
Do	do	5768	Dec. 30, 1931	Do.
Do	Kiowa, Comanche, Apache, and Wichita	4398	Mar. 18, 1926	Do.
Do	do	5953	Nov. 23, 1932	Do.
Do	do	5955	Nov. 30, 1932 (Gertrude Lamb).	Do.
Do	Seneca	5306	Mar. 18, 1930	Do.
Do	Quapaw		Act of Mar. 3, 1921 (41 Stat. 1248) as amended Nov. 18, 1921 (42 Stat. 1570).	25 years.
Do	do		As supplemented or amended by the act of July 27, 1939 (53 Stat. 1127).	Do.
Oregon	*Grande Ronde	2376	Apr. 29, 1916	10 years.
Do	do	4408	Mar. 30, 1926	Do.
Do	Siletz	3110	July 10, 1919	Do.
Do	Siletz (Cont.)	5087	Apr. 1, 1929	Do.
Do	*Warm Springs	3586	Dec. 7, 1921	Do.
Do	do	5734	Oct. 17, 1931	Do.
Do	Umatilla	4024	June 10, 1924	Do.
Do	do	5516	Dec. 17, 1930	Do.
Do	Klamath	6961	Feb. 4, 1935	Do.
Do	do		Act of Dec. 24, 1942 (56 Stat. 1081).	25 years.
South Dakota	Crow Creek	3362	Nov. 30, 1920	Do.
Do	do	5768	Dec. 30, 1931	10 years.
Do	do	6968	Feb. 9, 1935	Do.
Do	*Rosebud	4417	Apr. 14, 1926	Do.
Do	do	5028	Jan. 16, 1929	Do.

Do	do	5302	Mar. 12, 1930	Do.
Do	do	5768	Dec. 30, 1931	Do.
Do	Sisseton and Wahpeton	1916	Apr. 16, 1914	Do.
Do	do	3994	Apr. 19, 1924	15 years.
Do	*Yankton Sioux	2363	Apr. 20, 1916	10 years.
Do	do	4406	Mar. 30, 1926	Do.
Do	do	5173	Aug. 9, 1929	Do.
Do	*Lower Brule	4981	Oct. 20, 1928	Do.
Do	*Pine Ridge	5557	Feb. 13, 1931	Do.
Do	do	5768	Dec. 30, 1931	Do.
Do	do	5953	Nov. 23, 1932	Do.
Do	*Cheyenne River	5546	Jan. 31, 1931	Do.
Do	do	5768	Dec. 30, 1931	Do.
Utah	*Uncompahgre, Uintah and White River Bands of Utes.	5357	May 29, 1930	Do.
Washington	Chief Moses Band	2109	Dec. 23, 1914	Do.
Do	do	4382	Feb. 10, 1926	10 years from Mar. 8, 1926.
Do	Colville	4157	Feb. 17, 1925	10 years.

State	Reservation	E.O. No.	Date	Period of extension
Washington (Cont.)	Chief Moses Band (Cont.)	6962	Feb. 4, 1935	10 years.
Do	*Quinaielt	5768	Dec. 30, 1931	Do.
Do	Spokane	6939	Jan. 7, 1935	Do.
Do	Yakima	3630	Feb. 3, 1922	Do.
Do	do	4168	Mar. 11, 1925	Do.
Do	do	5746	Nov. 10, 1931	Do.
Do	do	7036	May 8, 1935	Do.
Do	do		Act of May 27, 1937 (50 Stat. 210).	To July 9, 1942.

Wisconsin	*Oneida	2623	May 19, 1917	1 year.
Do	do	2856	May 4, 1918	9 years.
Do	do	4600	Mar. 1, 1927	10 years.
Wyoming	Wind River	5768	Dec. 30, 1931	Do.
Do	do	5953	Nov. 23, 1932	Do.

Act of June 18, 1934 (48 Stat. 984; 25 U. S. C. 461—479), as amended, and as therein provided the trust or restricted period of the land is extended indefinitely. Where the name of a reservation is not preceded by an asterisk, such reservation is not subject to the Reorganization Act and is not subject to the benefits of such indefinite trust or restricted period extension, but such reservation is dependent upon acts of Congress or Executive orders for extension of the trust or restricted period of the land.

For the purpose of insuring the continuation of the trust or restricted status of Indian allotments within Indian reservations not subject to the Reorganization Act, Congress by the act of June 15, 1935 (49 Stat. 378) reimposed such restrictions as may have been expired between the dates of June 18, 1934, and December 31, 1936.

Pursuant to act of June 21, 1906 (34 Stat. 325) extending trust or other period of restriction contained in patents issued to Indians for land on the public domain, the following orders have been promulgated:

E.O. No.	Date	Period of extension
2133	Feb. 3, 1915	1 year.
2326	Feb. 23, 1916	Do.
2505	Jan. 3, 1917	Do.
2778	Dec. 31, 1917	Do.
3024	Jan. 11, 1919	Do.
3204	Dec. 23, 1919	Do.
3365	Dec. 7, 1920	25 years.

No further separate orders covering extension of trust periods on public domain allotments were issued subsequent to Executive Order 3365 of December 7, 1920. The trust or other periods of restriction contained in patents issued to Indians for land on the public domain have thereafter been extended by the terms of the general Executive orders.

GENERAL ORDERS

E.O. No.	Date	Period of extension
6498	Dec. 15, 1933	10 years.
6926	Dec. 20, 1934 (Oklahoma only)	Do.
7206	Oct. 14, 1935 (Oklahoma only)	Do.

7464	Sept. 30, 1936	25 years.
7716	Sept. 29, 1937	Do.
7984	Oct. 7, 1938	Do.
8276	Oct. 28, 1939	Do.
8580	Oct. 29, 1940	Do.
8965	Dec. 10, 1941	Do.
9272	Nov. 17, 1942	Do.
9398	Nov. 25, 1943	Do.
9500	Nov. 14, 1944	Do.
9659	Nov. 21, 1945	Do.
9811	Dec. 17, 1946	Do.
9920	Jan. 8, 1948, effective Jan. 1, 1948	Do.
10027	Jan. 6, 1949	Do.
10091	Dec. 11, 1949	Do.
10191	Dec. 12, 1950	Do.

Beginning with Executive Order 6498, issued December 15, 1933, regardless of the location of the allotments, all trust or restrictive periods on allotments expiring on a given date have been extended by one general Executive order issued annually.

GENERAL ORDERS

Order	Date	Period of extension	F. R. citation
Sec. Int	Dec. 29, 1951	1 year	17 F. R. 799.
Do	Dec. 29, 1952	do	18 F. R. 106.
Do	Dec. 28, 1953	do	18 F. R. 8897.
Do	Dec. 17, 1954	do	19 F. R. 8658.
Do	Nov. 17, 1955	do	20 F. R. 8519.
Do	Dec. 6, 1956	do	21 F. R. 9644.

NOTE: Executive Orders and orders of the Secretary of the Interior (17 F. R. 799, Jan. 26, 1952; 18 F. R. 106, Jan. 6, 1953; 18 F. R. 8897, Dec. 31, 1953; 19 F. R. 8658, Dec. 17, 1954; 20 F. R. 8519, Nov. 11, 1955; 21 F. R. 9644, Dec. 6, 1956) extended the trust periods on Indian lands expiring during the calendar years of ~~1949, 1950, 1951,~~ 1952, 1953, 1954, 1955, 1956, and 1957, respectively.

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Title 25: Indians

Appendix to Chapter I—Extension of the Trust or Restricted Status of Certain Indian Lands

This appendix contains citations of Executive orders and acts of Congress continuing the trust or restricted period of Indian land, which would have expired otherwise, within the several Indian reservations in the States named. The asterisk to the left of the name of a reservation indicates that the reservation is subject to the benefits of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461-479), as amended, and as therein provided the trust or restricted period of the land is extended indefinitely. Where the name of a reservation is not preceded by an asterisk, such reservation is not subject to the Reorganization Act and is not subject to the benefits of such indefinite trust or restricted period extension, but such reservation is dependent upon acts of Congress or Executive orders for extension of the trust or restricted period of the land.

For the purpose of insuring the continuation of the trust or restricted status of Indian allotments within Indian reservations not subject to the Reorganization Act, Congress by the act of June 15, 1935 (49 Stat. 378) reimposed such restrictions as may have been expired between the dates of June 18, 1934, and December 31, 1936.

State	Reservation	E. O. No.	Date	Period of extension
Arizona	*Papago	2066	Oct. 27, 1914	10 years.
Do	.....do	4464	June 28, 1926	Do.
California	Agua Caliente	3446	Apr. 30, 1921	Do.
Do	.....do	5580	Mar. 16, 1931	Do.
Do	Cabazon and Twenty-nine Palms	3302	July 7, 1920	5 years.
Do	.....do	4159	Feb. 19, 1925	10 years.
Do	*Capitan Grande	3048	Feb. 27, 1919	5 years.
Do	.....do		Act of Feb. 8, 1927 (44 Stat. 1061)	10 years.
Do	Hoopa Valley (Klamath River)	2943	Aug. 23, 1918	1 year.
Do	.....do		Sept. 23, 1919	Do.
Do	.....do	3304	July 10, 1920	10 years.
Do	.....do	3980	Mar. 26, 1924	15 years.
Do	.....do	5416	Aug. 4, 1930	10 years.
	Mission Bands:			

Do	Augustine	2795	Jan. 26, 1918	Do.
Do	Campo	2795	.....do	Do.
Do	*Cuyapipe	2795	.....do	Do.
Do	Inaja	2795	.....do	Do.
Do	*Laguna	2795	.....do	Do.
Do	*La Posta	2795	.....do	Do.
Do	*Manzanita	2795	.....do	Do.
Do	Mesa Grande	2795	.....do	Do.
Do	Pala	2795	.....do	Do.
Do	Ramona	2795	.....do	Do.
Do	Santa Ysabel	2795	.....do	Do.
Do	Sycuan	2795	.....do	Do.
Do	.....do	3383	Jan. 7, 1921	25 years.
Do	San Manuel	2795	Jan. 26, 1918	10 years.
Do	Temecula	2795	.....do	Do.
Do	All of above Mission Bands	4765	Nov. 23, 1927	Do.
Do	Morongo	6341	Oct. 17, 1933	Do.
Do	Pala	3383	Jan. 7, 1921	25 years.
Do	.....do		Act of Feb. 11, 1936 (49 Stat. 1106)	10 years.
Do	Potrero and Rincon	2684	Aug. 16, 1917	Do.
Do	.....do	4687	July 11, 1927	Do.
Do	*Round Valley	3223	Feb. 5, 1920	3 years.
Do	.....do	3805	Mar. 5, 1923	10 years.
Do	.....do	3995	Apr. 19, 1924	Do.
Do	.....do	5953	Nov. 23, 1932	Do.
Do	Temecula	3699	June 27, 1922	Do.
Do	.....do	5768	Dec. 30, 1931	Do.
Do	Torres-Martinez	7009	Apr. 10, 1935	Do.
Idaho	Nez Perce	3250	Mar. 24, 1920	Do.
Idaho	Nez Perce	4694	July 22, 1927	10 years.
Do	.....do	5305	Mar. 18, 1930	Do.
Kansas and Nebraska	*Iowa	2966	Sept. 23, 1918	Do.
Do	.....do	5023	Jan. 10, 1929	Do.
Do	*Sac and Fox	2607	May 4, 1917	Do.
Do	.....do	4571	Jan. 24, 1927	Do.
Do	.....do	5768	Dec. 30, 1931	Do.
Do	Kickapoo	3301	July 3, 1920	1 year.
Do	.....do	3447	May 2, 1921	10 years.
Do	.....do	5415	Aug. 4, 1930	Do.
Do	.....do	5626	May 18, 1931	Do.

Do	*Potawatomi	2747	Nov. 2, 1917	Do.
Do	.....do	2927	July 30, 1918	Do.
Do	.....do	3312	July 21, 1920	Do.
Do	.....do	4688	July 11, 1927	Do.
Do	.....do	4858	Apr. 16, 1928	Do.
Do	.....do	5299	Mar. 10, 1930	Do.
Do	.....do	5356	May 28, 1930	Do.
Do	.....do	5556	Feb. 11, 1931	Do.
Minnesota	*Fond du Lac	3445	Apr. 30, 1921	Do.
Do	.....do	5575	Mar. 12, 1931	Do.
Do	*Grand Portage	3613	Jan. 12, 1922	Do.
Do	.....do	5768	Dec. 30, 1931	Do.
Do	*Winnibigoshish	3614	Jan. 12, 1922	Do.
Do	.....do	5466	Oct. 22, 1930	Do.
Do	.....do	5768	Dec. 30, 1931	Do.
Do	*Deer Creek	4154	Feb. 10, 1925	Do.
Do	*Bois Fort	4233	May 26, 1925	Do.
Do	*Leech Lake, Cass Lake, and White Oak Point	4298	Aug. 29, 1925	Do.
Do	.....do	5466	Oct. 22, 1930	Do.
Do	*White Earth	4642	May 5, 1927	Do.
Do	.....do	5768	Dec. 30, 1931	Do.
Do	.....do	5953	Nov. 23, 1932	Do.
Do	*Red Lake	5383	June 26, 1930	Do.
Montana	Crow	5301	Mar. 12, 1930	Do.
Do	.....do	5768	Dec. 30, 1931	Do.
Do	.....do	7001	Apr. 5, 1935	Do.
Do	.....do		Act of April 1940 (54 Stat. 106)	To May 23, 1940.
Do	*Flathead	5953	Nov. 23, 1932	Do.
Nebraska	*Omaha		July 3, 1909	Do.
Do	.....do	3111	July 10, 1919	Do.
Do	.....do	4145	Jan. 28, 1925	Do.
Do	.....do	4548	Dec. 4, 1926	Do.
Do	.....do	5148	July 3, 1929	Do.
Do	.....do	5253	Dec. 31, 1929	Do.
Do	*Ponca	2374	Apr. 29, 1916	Do.
Do	.....do	4407	Mar. 30, 1926	Do.
Do	*Santee		Dec. 12, 1910	Do.
Do	.....do	3348	Nov. 5, 1920	Do.
Do	.....do	3722	Aug. 12, 1922	Do.
Do	*Santee Sarah	4075	Sept. 17, 1924	Do.

	Jones allotment			
Do	*Santee	5474	Oct. 31, 1930	Do.
Do	.....do	5768	Dec. 30, 1931	Do.
Do	.....do	5953	Nov. 23, 1932	Do.
Do	*Winnebago	2965	Sept. 20, 1918	Do.
Do	.....do	4548	Dec. 4, 1926	Do.
Do	.....do	4979	Oct. 16, 1928	Do.
Do	.....do	4994	Nov. 14, 1928	Do.
Do	*Sac and Fox, William Banks allotment	3878	July 27, 1923	1 year.
Nevada	*Walker River	5730	Oct. 8, 1931	10 years.
North Dakota	Devils Lake	2804	Feb. 11, 1918	Do.
Do	.....do	3853	May 23, 1923	Do.
Do	.....do	4775	Nov. 30, 1927	Do.
Do	.....do	5303	Mar. 12, 1930	Do.
Do	.....do	5768	Dec. 30, 1931	Do.
Do	.....do	5953	Nov. 23, 1932	Do.
Do	*Fort Berthold	4293	Aug. 25, 1925	Do.
Do	*Standing Rock	5768	Dec. 30, 1931	Do.
Do	.....do	5953	Nov. 23, 1932	Do.
Oklahoma	Absentee Shawnee and Citizen Potawatomi	2494	Nov. 24, 1916	Do.
Do	.....do	2512	Jan. 15, 1917	Do.
Do	.....do	4557	Dec. 23, 1926	Do.
Do	Cheyenne and Arapaho	2580	Apr. 4, 1917	Do.
Do	.....do	4587	Feb. 17, 1927	Do.
Do	Eastern Shawnee	2317	Feb. 15, 1916	Do.
Do	.....do	4384	Feb. 20, 1926	Do.
Do	.....do	5768	Dec. 30, 1931	Do.
Do	Mexican Kickapoo	3047	Feb. 27, 1919	5 years.
Do	.....do	4029	June 19, 1924	10 years.
Do	.....do		Act of Feb. 17, 1933 (47 Stat. 819)	Do.
Do	Modoc	2453	Sept. 14, 1916	Do.
Do	.....do	4470	July 1, 1926	Do.
Do	Ottawa, Seneca and Wyandotte	2591	Apr. 11, 1917	Do.
Do	.....do	4588	Feb. 17, 1927	Do.
Do	Pawnee	2816	Mar. 2, 1918	Do.
Do	.....do	4898	May 29, 1928	Do.

Do	Ponca	3327	Sept. 19, 1920	1 year.
Do	.....do	3363	Dec. 1, 1920	25 years.
Do	.....do	5539	Jan. 23, 1931	10 years.
Do	Sac and Fox, and Iowa		Mar. 27, 1896	Do.
Do	.....do		July 23, 1906	Do.
Do	.....do		Aug. 28, 1906	Do.
Do	.....do	2432	Aug. 1, 1916	Do.
Do	.....do	4435	Apr. 29, 1926	Do.
Do	Tonkawa	2866	May 25, 1918	Do.
Do	Tonkawa (Oakland)	4816	Feb. 25, 1928	Do.
Do	Kaw		Act of March 1923 (42 Stat. 1561)	25 years.
Do	.....do		Act of May 27, 1924 (43 Stat. 176)	20 years.
Do	Otoe and Missouri	4281	Aug. 11, 1925	10 years.
Do	.....do	5728	Sept. 29, 1931	Do.
Do	.....do	5768	Dec. 30, 1931	Do.
Do	Kiowa, Comanche, Apache, and Wichita	4398	Mar. 18, 1926	Do.
Do	.....do	5953	Nov. 23, 1932	Do.
Do	.....do	5955	Nov. 30, 1932 (Gertrude Lamb)	Do.
Do	Seneca	5306	Mar. 18, 1930	Do.
Do	Quapaw		Act of Mar. 3, 1921 (41 Stat. 1248) as amended Nov. 18, 1921 (42 Stat. 1570)	25 years.
Do	.....do		As supplemented or amended by the act of July 27, 1939 (53 Stat. 1127)	Do.
Oregon	*Grande Ronde	2376	Apr. 29, 1916	10 years.
Do	.....do	4408	Mar. 30, 1926	Do.
Do	Siletz	3110	July 10, 1919	Do.
Do	Siletz (cont.)	5087	Apr. 1, 1929	Do.
Do	*Warm Springs	3586	Dec. 7, 1921	Do.
Do	.....do	5734	Oct. 17, 1931	Do.
Do	Umatilla	4024	June 10, 1924	Do.
Do	.....do	5516	Dec. 17, 1930	Do.
Do	Klamath	6961	Feb. 4, 1935	Do.
Do	.....do		Act of Dec. 24, 1942 (56 Stat. 1081)	25 years.
South Dakota	Crow Creek	3362	Nov. 30, 1920	Do.

Do	.....do	5768	Dec. 30, 1931	10 years.
Do	.....do	6968	Feb. 9, 1935	Do.
Do	*Rosebud	4417	Apr. 14, 1926	Do.
Do	.....do	5028	Jan. 16, 1929	Do.
Do	.....do	5302	Mar. 12, 1930	Do.
Do	.....do	5768	Dec. 30, 1931	Do.
Do	Sisseton and Wahpeton	1916	Apr. 16, 1914	Do.
Do	.....do	3994	Apr. 19, 1924	15 years.
Do	*Yankton Sioux	2363	Apr. 20, 1916	10 years.
Do	.....do	4406	Mar. 30, 1926	Do.
South Dakota	Crow Creek	5173	Aug. 9, 1929	10 years.
Do	*Lower Brule	4981	Oct. 20, 1923	Do.
Do	*Pine Ridge	5557	Feb. 13, 1931	Do.
Do	.....do	5768	Dec. 30, 1931	Do.
Do	.....do	5953	Nov. 23, 1932	Do.
Do	*Cheyenne River	5546	Jan. 31, 1931	Do.
Do	.....do	5768	Dec. 30, 1931	Do.
Utah	*Uncompahgre, Uintah and White River Bands of Utes	5357	May 29, 1930	Do.
Washington	Chief Moses Band	2109	Dec. 23, 1914	Do.
Do	.....do	4382	Feb. 10, 1926	10 years from Mar. 8, 1926.
Do	Colville	4157	Feb. 17, 1925	10 years.
Do	.....do	6962	Feb. 4, 1935	Do.
Do	*Quinaielt	5768	Dec. 30, 1931	Do.
Do	Spokane	6939	Jan. 7, 1935	10 years.
Do	Yakima	3630	Feb. 3, 1922	Do.
Do	.....do	4168	Mar. 11, 1925	Do.
Do	.....do	5746	Nov. 10, 1931	Do.
Do	.....do	7036	May 8, 1935	Do.
Do	.....do		Act of May 27, 1937 (50 Stat. 210)	To July 9, 1942.
Wisconsin	*Oneida	2623	May 19, 1917	1 year.
Do	.....do	2856	May 4, 1918	9 years.
Do	.....do	4600	Mar. 1, 1927	10 years.
Wyoming	Wind River	5768	Dec. 30, 1931	Do.
Do	.....do	5953	Nov. 23, 1932	Do.

Pursuant to act of June 21, 1906 (34 Stat. 325) extending trust or other period of restriction contained in patents issued to Indians for land on the public domain, the following orders have been promulgated:

E. O. No.	Date	Period of extension
2133	Feb. 3, 1915	1 year. 1915 expirations
2326	Feb. 23, 1916	Do. 1916 "
2505	Jan. 3, 1917	Do. 1917 "
2778	Dec. 31, 1917	Do. 1918 "
3024	Jan. 11, 1919	Do. 1919 "
3204	Dec. 23, 1919	Do. 1920 "
3365	Dec. 7, 1920	25 years. All "

No further separate orders covering extension of trust periods on public domain allotments were issued subsequent to Executive Order 3365 of December 7, 1920. The trust or other periods of restriction contained in patents issued to Indians for land on the public domain have thereafter been extended by the terms of the general Executive orders.

General Orders

E. O. No.	Date	Period of extension
6498	Dec. 15, 1933 (1934 Expirations only)	10 years.
6926	Dec. 20, 1934 (Oklahoma only)	Do.
7206	Oct. 14, 1935 (Oklahoma only)	Do.
7464	Sept. 30, 1936 (Dec. 31, 1936 or in 1937)	25 years.
7716	Sept. 29, 1937	Do.
7984	Oct. 7, 1938	25 years.
8276	Oct. 28, 1939	Do.
8580	Oct. 29, 1940	Do.
8965	Dec. 10, 1941	Do.
9272	Nov. 17, 1942	Do.
9398	Nov. 25, 1943	Do.
9500	Nov. 14, 1944	Do.
9659	Nov. 21, 1945 (1946 expirations)	Do.
9811	Dec. 17, 1946	Do.
9920	Jan. 8, 1948, effective Jan. 1, 1948	Do.
10027	Jan. 6, 1949	Do.
10091	Dec. 11, 1949	Do.
10191	Dec. 13, 1950	Do.

Beginning with Executive Order 6498, issued December 15, 1933, regardless of the location of the allotments, all trust or restrictive periods on allotments expiring on a given date have been extended by one general Executive order issued annually.

General Orders

Order	Date	Per. of exten.	FR citation
Sec. Int.	Dec. 29, 1951	1 year	17 FR 799.
Do	Dec. 29, 1952	...do	18 FR 106.

Do	Dec. 28, 1953	...do	18 FR 8897.
Do	Dec. 17, 1954	...do	19 FR 8658.
Do	Nov. 17, 1955	...do	20 FR 8519.
Do	Dec. 6, 1956	...do	21 FR 9644.
Do	Jan. 7, 1958	...do	23 FR 112.
Do	Jan. 7, 1959	5 yrs	24 FR 127.
Do	Dec. 8, 1959	...do	24 FR 9847.
Do	Dec. 24, 1960	...do	25 FR 13688.
Do	Dec. 28, 1961	...do	26 FR 12569.
Sec. Int.	Jan. 4, 1963	...do	28 FR 122.
Do	Oct. 31, 1963	...do	28 FR 11630.
Do	Oct. 9, 1968	...do	33 FR 15067.
Dep. Ass	Dec. 14, 1973	...do	38 FR 33463.
Sec. Int	Dec. 14, 1978	...do	43 FR 58369.
Do	July 27, 1983	...do	48 FR 34026
Sec. Int	Aug. 15, 1988	5 yrs.	53 FR 30674.

Note: Executive orders and orders of the Secretary of the Interior (17 FR 799, Jan. 26, 1952; 18 FR 106, Jan. 6, 1953; 18 FR 8897, Dec. 31, 1953; 19 FR 8658, Dec. 17, 1954; 20 FR 8519, Nov. 11, 1955; 21 FR 9644, Dec. 6, 1956; 23 FR 112, Jan. 7, 1958; 24 FR 127, Jan. 7, 1959; 24 FR 9847, Dec. 8, 1959; 25 FR 13688, Dec. 24, 1960; 26 FR 12569, Dec. 28, 1961; 28 FR 122, Jan. 4, 1963; 28 FR 11630, Oct. 31, 1963; 33 FR 15067, Oct. 9, 1968; 38 FR 34463, Dec. 14, 1973; 43 FR 58369, Dec. 14, 1978; 48 FR 34026, July 27, 1983); 53 FR 30674, Aug. 15, 1988, extended the trust periods on Indian lands expiring during the calendar years of 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964–1968, 1969–1973, 1974–1978, 1979–1983, 1984–1988, 1989–1993 respectively.

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Section 508 / Accessibility

2012 Essay "The Columbia Reservation and the Moses Allotments"

By John V. Peters

The Columbia Reservation and the Moses Allotments

By John V. Peters

Some Historical Background

Memorandum of an agreement made and entered into at Washington, District of Columbia, this the eighth day of April, A. D. 1879, by Chief Moses, acting for and on behalf of himself and his people, witnesseth-

That for and in consideration of the following described reservation in Washington Territory, which is set apart for the permanent use and occupancy of said Chief Moses and his people and such other friendly Indians as may elect to settle with his consent thereon, viz, commencing at the intersection of the forty-mile limits of the branch line of the Northern Pacific Railroad with the Okinakane River; thence up said river to the boundary line between the United States and British Columbia; thence west on said boundary line to the forty-fourth degree of longitude west from Washington; thence south on said degree of longitude to its intersection with the forty-mile limits of the branch line of the Northern Pacific Railroad; thence with the line of said forty-mile limits to the place of beginning-does hereby relinquish to the United States all right, title, or interest, possessory or otherwise, in and to any and all lands now or heretofore claimed by himself or his people in Washington Territory.

And the said Chief Moses does hereby agree that he and his people will immediately remove to the reservation above described, and settle upon the same; that they will not leave said reservation without the consent of the Commissioner of Indian Affairs, and they never hereafter engage in hostilities against the United States or without the consent of the United States against any Indian tribe, but will forever remain at peace with the United States and the various Indian tribes.

Chief Moses, his +mark *Witnessed by-- Abe Lincoln, E. P. Hanna*

On April 19, 1879 President R. B. Hayes signed an Executive Mansion establishing this reservation for Chief Moses, his people and other friendly Indians. No name was given to the reservation. I estimate its size to have been about 1,500,000 acres. On March 6, 1880, another Executive Mansion signed by President R. B. Hayes expanded the size of the reservation south to the outlet of Lake Chelan and west along the south shore of Lake Chelan and up the south shore of Stehekin Creek to the forty-fourth degree of longitude and north to the Canadian border. This increased the size of the still unnamed reservation to about 2,992,000 acres, according to the Interior Department. Then on February 23, 1883 President Chester A. Arthur, yielding to miners' and white settlers' demands, signed an Executive Mansion removing the top 15 miles of the reservation, or about 749,000 acres, again using Interior Department numbers. This shrunk the reservation to about 2,243,000 acres and by this time it was called the Columbia reservation.

During the year 1883 the federal government desired to return the remaining Columbia reservation to the public domain. Chief Moses had not moved onto the Columbia reservation as he promised to do in the 1879 memorandum of agreement. And there was continuing and growing

pressure to open the land to white settlers. Chief Moses and three other northwest Chiefs (Sarsarpkin, Tonasket and Lot) were invited to Washington D.C. to negotiate the issue. The Chiefs agreed to give up all claim to the Columbia reservation in exchange for land allotments and a number of other considerations. Chief Moses gave his name to these allotments, each up to one square mile or 640 acres in size. The results of the negotiations became known as the Moses agreement, the allotments became the Moses allotments with numbers MA-1 and forward, and the people who took allotments under this agreement became known as the Chief Moses Band. This may seem a little strange since Moses never lived on the Columbia reservation, never took a Moses allotment, and was not the Chief of the people who did take allotments. But he did most of the negotiating and his name was short and clear. It was Chief Sarsarpkin who asked for land on the Columbia reservation where he lived and this led to allotments being included as an option in the Moses agreement. All Indians living on the Columbia reservation and not taking these Moses allotments were expected to move to the Colville reservation. Chief Moses himself had already been living most of the time on the Colville reservation, where Tonasket also lived. Lot was Chief of the Spokane Indians and lived on the Spokane reservation.[i]

By an act of Congress on July 4, 1884[ii], tracts of land were to be surveyed and assigned, in as compact a form as possible, to Moses agreement Indians who wished them. On May 1, 1886 President Grover Cleveland, using an Executive Mansion, opened the former Columbia reservation to non-Indian settlers, less the Moses allotments selected for qualified Indians. By the same Executive Mansion of May 1, 1886, 37 Moses allottees were named and the boundaries of their tracts were described. Each tract was assigned to a specific individual but no titles to the land were given. The Moses allotments began as trust allotments (MA-1 through MA-37). The original 37 allotments were assigned as follows:

MA-1	Sar-sarp-kin (Chief of the Sinlahekin band)
MA-2	Cum-sloct-poose (one of Sarsarpkin's sons)
MA-3	Showder (one of Sarsarpkin's sons)
MA-4	Jack (one of Sarsarpkin's sons)
MA-5	Ka-la-witch-ka (one of Sarsarpkin's sons)
MA-6	Sar-sarp-kin (Peter, his other son, was not given this allotment, possibly resulting later in the death of Sar-sarpkin at his son's hands, although Peter was acquitted of murder in the case for lack of evidence)
MA-7	Quo-lock-ons
MA-8	Nek-quel-e-kin or Wa-pa-to John
MA-9	Us-tah (son of Lakayuse, married to Wapato John's daughter Mary)
MA-10	Que-til-qua-soon or Peter No. 1 (John's second son by Madeline)

MA-11	Tan-te-ak-o or Johnny Isadore (Yokesil's son, Johnny Abraham, married to Wapato John's younger daughter, Mary Ann)
MA-12	Ke-up-kin or Celesta (Sylvester, John's first son by Madeline)
MA-13	Ta-we-na-po or Amena (married to Yokesil's daughter Cecile Sushine)
MA-14	Pa-a-na-wa or Pedoi (Yokesil's son)
MA-15	Yo-ke-sil (mother-in-law to Mary Ann Wapato)
MA-16	La-kay-use or Peter No. 2
MA-17	Ma-kai (son of Lakayuse)
MA-18	Scum-me-cha or Antoine
MA-19	Jos-is-kon or San Pierre
MA-20	Charles Iswald (son of Temis by first marriage, half-brother to Charlie Wapato)
MA-21	In-perk-skin or Peter No. 3
MA-22	Tew-wew-wa-ten-cek or Aeneas
MA-23	Stem-na-lux or Elizabeth
MA-24	Neek-kow-it or Captain Joe
MA-25	Hay-tal-i-cum or Narcisse
MA-26	Kleck-hum-tecks
MA-27	Ki-at-kwa or Mary
MA-28	Ta-tat-kein or Tom
MA-29	La-la-elque
MA-30	Snain-chucks
MA-31	Edward
MA-32	Dominec
MA-33	Ko-mo-dal-kiah
MA-34	Paul
MA-35	Que-lock-us-soma

MA-36 Se-cum-ka-nallux

MA-37 John Salla-Salla

John Salla-Salla apparently cancelled his claim to MA-37, because President Grover Cleveland, by Executive Mansion on January 19, 1895, restored MA-37 to the public domain for the reason of cancellation. Three more Moses allotments were accepted, completing the picture. Chelan Bob filed for an allotment on November 28, 1890 (MA-38). And on December 1, 1890 both Cultus Jim (MA-39) and Long Jim (MA-40) filed for their allotments. The filed boundaries of MA-38, MA-39, and MA-40 were adjusted by the Interior Department to avoid conflict with white settlers, and a court decision (U.S. v. LaChappelle, 1897) finally settled these Indians' claims to their land. These were all trust allotments owned by the U. S. Government and held for the exclusive use and benefit of the named allottees. Obviously, with no title to their allotments the Indians could not sell the land.

Long Jim's Fee Simple Allotment

By an act of Congress on March 3, 1905 (33 Stat. at L. 1065, chap. 1479), it was ordered that Chief Long Jim of the Chelan Indian tribe residing at the foot of Lake Chelan be given a fee simple patent for his land allotment under the Moses agreement (MA-40). A fee simple patent was issued to Chief Long Jim on August 2, 1905. Long Jim and his wife, Annie, had, however, signed a warranty deed on March 29, 1900 conveying the land to R. W. Starr for $2,000. This was before Long Jim had even filed for the allotment on December 1, 1900, according to Interior Department documents. A court case later arose to challenge this sale and warranty deed. The case was finally decided on appeal by the Supreme Court of the State of Washington on February 24, 1913 in favor of Long Jim and Annie and their title to the property was affirmed. The ruling stated that Long Jim and Annie could not have legally sold the property before they had received fee simple title to it in 1905.

Trust Patents

On March 8, 1906, Congress (34 Stat., 55) ordered that trust patents be issued to the remaining allottees. These patents were not fee simple. They were restricted patents. And they were restricted in two ways. First, the allottees could sell all but 80 acres of their allotments. Second, all sales of allotment land would require the approval of the Secretary of the Interior. These two restrictions were to apply for ten years, and were to expire on March 8, 1916. At that time allottees, or their heirs, were to be issued fee patents and would be free to sell or otherwise encumber their land on their own. The land would then be nontrust allotments, part of the general public domain and subject to all public laws including taxation.

Section 1 of 34 Stat., 55 stated that these *patents shall be of legal effect and declare that the United States does and will hold the lands thus allotted for the period of ten years from the date of the approval of this act*. Section 2 stated *That any allottee to whom any trust patent shall be issued under the provisions of the foregoing section may sell and convey all the lands covered thereby, except eighty acres, under rules and regulations prescribed by the Secretary of the Interior*. In addition, *All allotted*

land alienated under the provisions of this act shall thereupon be subject to taxation under the laws of the State of Washington.

Presidential Authority to Extend Trust Periods

On June 21, 1906, by act of Congress (34 Stat., 325), the President was given the following authority:

That prior to the expiration of the trust period of any Indian allottee to whom a trust or other patent containing restrictions upon alienation has been or shall be issued under any law or treaty the President may in his discretion continue such restrictions on alienation for such period as he may deem best, That this shall not apply to lands in the Indian Territory.

The Indian Territory referred to is Oklahoma, which was handled separately.

With this authority in hand to extend the trust period on Indian allotments, President Woodrow Wilson, on December 23, 1914, signed Executive Order 2109 which reads as follows:

Chief Moses Band

It is hereby ordered, under authority contained in section 5 of the act of February 8, 1887 (24 Stat. L.,388), and the act of June 21, 1906 (34 Stat. L., 325-326), that the ten-year period of trust on all allotments made to members of the Chief Moses Band of Indians, in the State of Washington, under the agreement of July 7, 1883, as ratified and confirmed by the act of July 4, 1884 (23 Stat. L., 79-80), the title to which has not passed from the United States, be, and the same is hereby, extended for a further period of ten years. Woodrow Wilson. The White House, 23 December, 1914.

The relevant part of Section 5 of the General Allotment Act of February 8, 1887, reads as follows: *This section also authorizes the president to extend this period of trust wherever deemed appropriate.* Why this authority is invoked here is unclear since the Moses allotments were not granted under the General Allotment Act. So this reference to the General Allotment Act as an authority seems odd. Allotments given under the General Allotment Act of 1887, either on reservations or in the public domain, were very different both in allotment size and in trust period than in the case of the Moses allotments. The size of the allotments under the General Allotment Act of 1887 (160 acres maximum) were much smaller than the Moses allotments (640 acres maximum). And the trust period on the land was 25 years under the General Allotment Act and 10 years for the Moses allotments. And the 1906 act giving authority to extend trust periods is more general and sweeping and applies, as it says, to "any Indian allottee".

A United States Supreme Court decision on January 6, 1930, United States v. Jackson, 280 U.S 183 (1930), found that the 1906 law allowing the President to extend trust periods applies even to land granted to Indians by the Indian Homestead Act of July 4, 1884. An executive order had been signed to extend the trust period on Indian homesteaders beyond the original 25 year trust period. The court stated in its decision: *We find that the Indian Homestead Act of July, 4, 1884, and the General Allotment Act of February 8, 1887, with its various amendments, constitute part of a single system evidencing a continuous purpose on the part of the Congress.* My personal judgment is that if the U. S. Supreme

Court endorses the President's authority under the 1906 law to extend the trust periods on Indian homesteads, the court would certainly find the Moses allotments also included in this authority.

The authority granted the President by the June 21, 1906 law was used over and over again in the years following 1906. Until the mid-1930's it was used in a very specific manner for individual reservations, tribes and bands all across the United States. On December 23, 1914, as described above, President Woodrow Wilson signed Executive Order 2109 extending the Chief Moses Band trust period for an additional ten years, until March 8, 1926.

Authority to Sell Moses Allotments

What came next, on May 20, 1924, was an act of Congress (43 Stat., 133) declaring that Moses allottees *may sell and convey any and all the land covered by such patents or if the allottee is deceased the heirs may sell or convey the land.* This allowed for the sale of the last 80 acres of each allotment which was previously inalienable. In a lawsuit currently in progress in the United States District Court of the Eastern District of Washington at Spokane (Case 2:09-cv-00018-JLQ) the plaintiffs are contending that this 1924 act of Congress allowing the sale of all Moses allotment land also ended all authority of the Interior Department over the sale of these properties. They contend that fee simple titles should have been issued to the owners of the properties in 1924 and then the Interior Department should have stepped out of the picture altogether. The Interior Department itself has assumed a continuing authority over Moses allotments and has continued to insist on approving all sales and leases on the Moses allotments that still exist.

Indians on the Public Domain

In the court case referred to above, (2:09-cv-00018-JLQ), the Bureau of Indian Affairs submitted a document, ECF 186, giving their rationale for their continuing authority over Moses allotment MA-8 specifically and all other still-existing Moses allotments as well. Section 1 of ECF 186, "Position of the BIA of the Status of MA-8," pages 1-3, provides the BIA's rationale. The document argues that executive order 3365 signed by President Woodrow Wilson on December 7, 1920 extended the Chief Moses Band trust period for 25 years, taking effect on March 8, 1926. The title of this executive order is "Indians on Public Domain" and affected all public domain Indian allotments. The text of the order is as follows:

It is hereby ordered, under authority found in the act of June twenty-first, nineteen hundred and six (Thirty-fourth Statutes at Large, pages three hundred and twenty-five), that the trust or other period of restriction against alienation contained in any patent heretofore issued to any Indian for any lands on the public domain be, and the same is hereby, extended for a further period of twenty-five years from the date on which any such trust would otherwise expire.

This is a broad and sweeping order. And the Moses allotments do reside on the public domain and not on any Indian reservation. However, the trust patents for the Chief Moses Band allotments were ordered by legislation dated March 8, 1906 and their 10-year trust period was extended 10 more years by E.O. 2109 to March 8, 1926. The language of E.O. 3365 does not seem to include trust patents which have been extended. But this is a legal question I cannot answer. In any case, we can say that

E.O. 3365 might have applied to the Moses allotments but the BIA took action before March 8, 1926 which assured that it was not applied.

Executive order 3365, if not interrupted, would extend the Chief Moses Band trust period from March 8, 1926 to March 8, 1951. If nothing intervened, executive order 10191 signed on December 13, 1950 would have extended the Chief Moses Band trust period another twenty-five years to March 8, 1976. And there is a chain of authority forward from 1976 to today. All this is well described by the BIA attorneys in ECF 186, based on the assumption that nothing interrupted this scenario.

Executive Order 4382

However, the BIA prepared executive order 4382 signed by President Calvin Coolidge on February 10, 1926 with specific language to pre-empt the effect of executive order 3365 on the Chief Moses Band. The new order extended the Chief Moses Band trust period for a "period of 10 years, from Mar. 8, 1926." E.O. 4382 interrupted any impending impact of the 1920 E.O. 3365 (a 25 year extension on March 8, 1926) and set the Chief Moses Band trust period to expire in ten years on March 8, 1936. And the unique language in E.O. 4382, "10 years from Mar. 8, 1926", was used in the order and entered on the record of trust period extensions so that the matter was unmistakably clear. As of 2012 this document still contains this language opposite executive order 4382 under the Chief Moses Band (Appendix A).

This executive order was reported in the Spokesman-Review newspaper in Spokane, Washington on February 19, 1926. The story is worth reporting in full.

Protect Indians' Lands

U. S. Extends Trust Period for Chief Moses People.

Spokesman-Review Bureau, Washington. Feb. 16.—Extension of the trust period for 10 years on the allotments of land in the state of Washington to Indians of the Chief Moses band was authorized in an executive order issued today.

The records show that originally there were 39 allotments made, the trust patents being due to expire on March 8, 1926. Six of the allotments have passed entirely out of the interior department's jurisdiction. Of the 33 remaining, nine of the original allottees are living while 24 are represented by estates of deceased allottees. In each of these cases the allottee or the heirs are incompetent either from old age or because of being minors except in one allotment, where the heirs are mixed bloods and competent to handle their own property.

The purpose of the executive order is to prevent the alienation of the allotments of the Indians of the Chief Moses band without the government's consent for the next 10 years.

Following the Post-1926 Trail

The Interior Department almost certainly intended to extend the trust period of the Chief Moses band allotments again before the trust period set by E.O. 4382 expired on March 8, 1936.

What happened, however, can be seen by examining the Department of Interior, Bureau of Indian Affairs document titled "Extension of the Trust or Restricted Status of Certain Indian Lands" which seems to be their primary record for documenting the trust periods of Indian reservations, tribes and bands. The introductory paragraph of the listing begins: *This appendix contains citations of Executive orders and acts of Congress continuing the trust or restricted period of Indian land, which would have expired otherwise, within the several Indian reservations in the States named.* The 1957 version of this document, as found online in Kappler's Indian Affairs Laws and Treaties by Charles Joseph Kappler, shows the following for the Chief Moses Band and the Colville reservation:

State	*Reservation*	*E.O. No.*	*Date*	*Period of extension*
Washington	*Chief Moses Band*	*2109*	*Dec. 23, 1914*	*Do*
Do	*do*	*4382*	*Feb. 10, 1926*	*10 years from Mar. 8, 1926*
Do	*Colville*	*4157*	*Feb. 17, 1925*	*10 years*

"Do" means ditto or a repeat of what is above. The period of extension for executive order 2109, labeled Do refers to 10 years found at a higher line in the document.

At this point there is a page break in the 1957 document. Imagine that this was 1935. The technology was typewriters. The finished sheet of paper was removed from the typewriter and a new sheet of paper was inserted. Perhaps it was time for a coffee break or a break for lunch or perhaps there was an interruption of another kind. Perhaps there was no interruption at all. Perhaps it was a simple visual or mental error that occurred. However it happened, the new page starts like this:

State	*Reservation*	*E.O. No.*	*Date*	*Period of extension*
Washington(Cont.)	*Chief Moses Band(Cont.)*	*6962*	*Feb. 4, 1935*	*10 years*

This is how the document read in its 1957 version. I am suggesting that it looked like this in 1935 after being updated for the two trust period executive orders that were signed during February 1935. My guess is that the document was updated each month to keep it current for reference purposes for the people responsible for drafting executive orders on the extension of trust periods. And I suspect that when that person checked the updated document to see if the Chief Moses Band needed extending he found that the Chief Moses Band evidently had already been extended for 10 years by Executive Order 6962. Recall that the page he was looking at had the Chief Moses Band as its first item; he may not have looked at the previous page at all. And so he didn't catch the recording error. He just went on about his business. Had he pulled E.O. 6962 out of a file and looked at it, he would have seen that it extends the trust period of the Colville reservation, not the Chief Moses Band. But he didn't do that and the recording error remained in place until sometime between 1957 when it was still there and April 1, 2000 when it had been corrected. The correction probably occurred when the document was being prepared

for computer entry, perhaps in the 1970's. But one would have to look into the internal records of the BIA or the Interior Department to learn exactly when the error was found and corrected. However, the failure to prepare a trust period extension executive order for the Chief Moses Band compounded the recording error and let stand the Chief Moses Band trust period set to expire on March 8, 1936. And this situation hasn't changed to this day.

Why wasn't a new executive order prepared to extend the trust period of the Colville reservation when the record appeared to show that it had not been extended? This was a time of great change in Indian reservation policy. The Indian Reorganization Act of 1934 had been passed on June 13, 1934. This act offered the reservation a New Deal. And for the first time reservation Indians were allowed to vote on acceptance of this New Deal. The Colville Indians, with a population of 3,116 and with 1,659 eligible voters, voted on April 6, 1935. The results were 421 yes, 562 no, and 676 not voting. The Indian Reorganization Act was rejected.[iii] The Colville Tribal Chairman, in testimony to the Senate Committee on Indian Affairs on June 23, 2011 expressed regret over the outcome of that election and stated that it has led to many difficulties for the Colville Confederated Tribes during the years since.[iv] If the Colville reservation had voted to accept the Indian Reorganization Act, then their trust period would have been extended indefinitely by the Indian Reorganization Act and the Colville would have received the benefits the law offered. But they had rejected it, as had 30% of all reservations in Washington State. And many other reservations across the country also voted no on the IRA.

In response to this situation, on June 15, 1935 Congress passed a law (49 Stat., 378) which contained a provision in chapter 260, Section 3, retroactively extending the trust periods, by 25 years, of all U. S. reservations that voted no on the Indian Reorganization Act, if they had not already been extended beyond December 31, 1936 by executive order. In the records at the time, because of the recording error of executive order 6962, there was no record of an executive order extending the Colville reservation. With no executive order on record, the June 15, 1935 law extended the Colville trust period by 25 years. And from there a clear chain of authority leads forward to the present. This explains why no one became concerned over the fact that the record showed no executive order extending the Colville reservation trust period. And, just looking at the record, E.O. 6962 appeared to extend the Chief Moses Band by 10 more years until March 8, 1946, by which time executive order 9659 of November 21, 1945 would have continued extending the Chief Moses Band. So there were no concerns at the Interior Department. When the recording error involving E.O. 6962 was finally corrected in the record, the correction had no effect on the Colville reservation. The authority of trust extension for the Colville reservation just follows a different path forward, beginning with Executive Order 9500 of November 14, 1944, right up to today. But evidently no one realized what this correction meant for the Chief Moses Band allotments, or they decided to let sleeping dogs lie. The situation was only known inside the BIA and no one outside the agency was likely to challenge the BIA's continuing authority. Only in 2010 has a legal challenge arisen, and the plaintiffs in this case didn't know of this situation. They are basing their argument on the 1924 law authorizing the sale of all Moses allotment land.

From the expiration of trust status on March 8, 1936, I haven't found any way forward through the laws and executive orders recorded on the Interior Department's own trust period document. The confusion created by the recording error of E.O. 6962 and the new laws surrounding the Indian

Reorganization Act and the switch away from specific reservation/tribe/band executive orders to broad General Orders all contributed to the Chief Moses Band being lost in the shuffle and overlooked.

The End of The Trust Period

To illustrate and compare the chains of trust period authority cited by the BIA's trust period extension record for 1957 and 2012, and the plaintiffs' and BIA attorneys' positions in the 2010 court case, I have prepared a two-page chart (Appendix B) comparing these different chain of authority positions. The 1957 document shows the recording error of E.O. 6962 under the Chief Moses Band and tracks this chain of authority into the future assuming it was not an error. For many, many years this is what the BIA assumed gave them authority over the Moses allotments. The court case plaintiffs seek to end BIA authority with the act of Congress in 1924 authorizing the sale of all Moses allotment land. The BIA attorneys argue that the 1920 E.O. 3365 took effect on March 8, 1926 extending the Chief Moses Band by 25 years.[v] The 2012 document shows the correction of the error by placing E.O. 6962 under the Colville reservation, leaving the Chief Moses Band with an expiration date of March 8, 1936. The last executive order or legislation affecting the trust period of the Chief Moses Band, so far as I can tell, was executive order 4382 which set the expiration date as March 8, 1936.

Returning to the language of Section 2 of the original trust patent legislation of March 8, 1906 describing what was to happen with the trust patents at the end of the trust period:

...that at the expiration of said period the United States will convey the same by patent to the said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever.

I would echo the words of the biblical Moses, after whom the youthful Chief Moses was named by a missionary running a mission school at Lapwai, Idaho, and say "Let my people go!" Seventy-six years have passed since the trust period of the Chief Moses Band allotments expired. It is time to follow the instructions quoted above from the March 8, 1906 legislation which created the Moses allotments in the first place.

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[i] All this and more is covered in depth by Robert H. Ruby and John A. Brown, Half-Sun on the Columbia: A Biography of Chief Moses (Norman, Oklahoma: University of Oklahoma Press, 1965). See index for subject guidance.

[ii] All acts of Congress, executive orders, and the Interior Department document "Extension of the Trust and Restricted Status..." in the three versions mentioned here (1957, 2010 and 2012) can be found online by search.

[iii] See "Ten Years of Tribal Government Under I.R.A.," byTheodore H. Haas, Chief Counsel, United States Indian Service, 1947. Available online.

[iv] See "Prepared Statement of the Honorable Michael Finley, Chairman, Confederated Tribes of the Colville Reservation," June 23, 2011. Available online.

[ivi] One might make the convoluted argument that E.O. 3365 applies after E.O. 4382 ran its course on March 8, 1936, and after the recording error of E.O. 6962 was corrected. But this argument is in conflict with the unequivocal chain of authority presented to the court in ECF 186, which ignores both E.O. 6962 and E.O. 4382.

And it assumes that an earlier executive order can alter a later executive order, when it seems logical that the reverse is true.

Appendix A, "The Moses Allotments"
Electronic Code of Federal Regulations
e-CFR Data is current as of March 29, 2012

Title 25: Indians

Appendix to Chapter I-Extension of the Trust or Restricted Status of Certain Indian Lands

This appendix contains citations of Executive orders and acts of Congress continuing the trust or restricted period of Indian land, which would have expired otherwise, within the several Indian reservations in the States named. The asterisk to the left of the name of a reservation indicates that the reservation is subject to the benefits of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461-479), as amended, and as therein provided the trust or restricted period of the land is extended indefinitely. Where the name of a reservation 15not preceded by an asterisk, such reservation is not subject to the Reorganization Act and is not subject to the benefits of such indefinite trust or restricted period extension, but such reservation is dependent upon acts –of Congress or Executive orders for extension of the trust or restricted -period of the land.

For the purpose of insuring the continuation of the trust or restricted status of Indian allotments within 'Indian reservations not subject to the Reorganization Act, Congress by the act of June 15, 1935 (49 Stat. 378) reimposed such restrictions as may have been expired between the dates of June 18, 1934, and December 31, 1936.

State	Reservation	E. O. No.	Date	Period of extension
Arizona	*Papago	2066	Oct. 27,1914	10 years.
Do	.....do	4464	June 28, 1926	Do.
	(lines deleted)			
South Dakota	Crow Creek	5173	Aug. 9, 1929	10 years.
Do	*Lower Brule	4981	Oct. 20, 1923	Do.
Do	*Pine Ridge	5557	Feb. 13, 1931	Do.
Do	.....do	5768	Dec. 30, 1931	Do.
Do	.....do	5953	Nov. 23, 1932	Do.
Do	*Cheyenne River	5546	Jan. 31, 1931	Do.
Do	.....do	5768	Dec. 30, 1931	Do.
Utah	*Uneompahgre, Uintah and White River Bands of Utes	5357	May 29,1930	Do.
Washington	Chief Moses Band	2109	Dec. 23, 1914	Do.
Do	.....do	4382	Feb. 10, 1926	10 years from Mar. 8, 1926.
Do	Colville	4157	Feb. 17, 1925	10 years.
Do	.....do	6962	Feb. 4, 1935	Do.
Do	*Quinaielt	5768	Dec. 30, 1931	Do.
	(lines deleted)			

http://ecfr.gpoaccess.gov/cgiltltextltext-idx?c=ecfr&sid= 17bb734f92169b9451 f7000e6753 ...
3/3012012

Appendix B, "The Moses Allotments", page 1

Trust Period Status of Chief Moses Band (Moses Allotments)

Upon expiration, the trust patents were to be converted to fee simple patents, ending Interior Department and BIA oversight.

The 1957 BIA chain is extended to 2012 for information purposes.

Description of Legal Authority	Authority	Expiration Date	BIA Chain of Authority Document for 1957	Plaintiffs Position in Case CV-09-00018-JLQ in 2010	BIA Attorneys Position in Case CV-09-00018-JLQ in 2010	BIA Chain of Authority Document for 2012
Trust patents authorized and directed;	Act of Congress	March 8,	X	X	X	X

March 8, 1906	(34 Stat., 55)	1916				
President given discretion to extend expiration dates at his discretion; June 21, 1906	Act of Congress (34 Stat., 325)		X	X	X	X
President extends Chief Moses Band by ten years from present expiration date; December 23, 1914	Executive Order 2109	March 8, 1926	X	X	X	X
President extends all trust patent lands in the public domain 25 years from their expiration dates; December 7, 1920	Executive Order 3365 (later negated for Chief Moses Band)	March 8, 1951			X	
All Moses allottees authorized to sell all their land, ending 80-acre alienation restriction; May 20, 1924	Act of Congress (43 Stat., 133)			X		
President extends Chief Moses Band by ten years from March 8, 1926, voiding E.O. 3365 for the Chief Moses Band; February 10, 1926	Executive Order 4382 ("ten years from Mar. 8, 1926")	March 8, 1936	X			X
President extends Colville reservation by ten years on February 4, 1935, but it is incorrectly recorded under Chief Moses Band	Executive Order 6962 (moved to Colville reservation by 2000)	March 8, 1946	X			

The 1957 BIA chain is extended to 2012 for information purposes.

Description of Legal Authority	Authority	Expiration Date	BIA Chain of Authority Document for 1957	Plaintiffs Position in Case CV-09-00018-JLQ in 2010	BIA Attorneys Position in Case CV-09-00018-JLQ in 2010	BIA Chain of Authority Document for 2012
President extends all trust periods ending in 1946 by 25 years; November 21, 1945	Executive Order 9659	March 8, 1971	X			
President extends all trust periods ending in 1951 by 25 years; December 13, 1950	Executive Order 10191	March 8, 1976			X	
All periods of trust expiring in 1964-1968 are	General Order	January 1,				

extended to January 1, 1969; October 31, 1963	28 FR 11630	1969		
All periods of trust expiring in 1969-1973 are extended to January 1, 1974; October 9, 1968	General Order 33 FR 15067	January 1, 1974	X	
All periods of trust expiring in 1974-1978 are extended to January 1, 1979; December 14, 1973	General Order 38 FR 33463	January 1, 1979	X	X
All periods of trust expiring in 1979-1983 are extended to January 1, 1984; December 14, 1978	General Order 43 FR 58369	January 1, 1984	X	X
All periods of trust expiring in 1984-1988 are extended to January 1, 1989; July 27, 1983	General Order 48 FR 34026	January 1, 1989	X	X
All periods of trust expiring in 1989-1993 are extended to January 1, 1994; August 15, 1988	General Order 53 FR 30674	January 1, 1994	X	X
All periods of trust are extended indefinitely; May 24, 1990	Act of Congress (104 Stat., 207)	Indefinitely	X	X

Documents:

TRUST EXTENSIONS FOR INDIAN LANDS ON THE PUBLIC DOMAIN

The American Presidency Project

(https://www.presidency.ucsb.edu/)

WOODROW WILSON (/PEOPLE/PRESIDENT/WOODROW-WILSON)

Executive Order 2133—Relating to Indians on Public Domain

February 03, 1915

It is hereby ordered, under authority found in the act of June 21, 1906 (34 Stats. L., 325-326), that the trust or other period of restriction against alienation contained in any patent issued to any Indian for any lands on the public domain be, and the same is hereby, extended for a further period of one year in all cases where such trust or other restrictive period against alienation would otherwise expire during the calendar year anno Domini nineteen hundred and fifteen.

WOODROW WILSON.
The White House,
February 3, 1915

Woodrow Wilson, Executive Order 2133—Relating to Indians on Public Domain Online by Gerhard Peters and John T. Woolley, The American Presidency Project https://www.presidency.ucsb.edu/node/276619

The American Presidency Project

(https://www.presidency.ucsb.edu/)

WOODROW WILSON (/PEOPLE/PRESIDENT/WOODROW-WILSON)

Executive Order 2326—Relating to Indians on Public Domain

February 23, 1916

It is hereby ordered, under authority found in the act of June twenty-one, nineteen hundred and six (Thirty-fourth Statutes at Large, pages three hundred and twenty-five and three hundred and twenty-six), that the trust or other period of restriction against alienation contained in any patent issued to any Indian for a homestead on the public domain be, and the same is hereby, extended for a further period of one year in all cases where such trust or other restrictive period against alienation would otherwise expire during the calendar year nineteen hundred and sixteen, excepting only in the following specific instances:

Indian homesteader. Series.

Charles tololby No. 458, Seattle, Washington.

Thomas No. 457, Walla Walla, Washington.

Bill Tyner No. 482, Visalia, California.

Adam Jim No. 348, Jackson, Mississippi.

The American Presidency Project

(https://www.presidency.ucsb.edu/)

WOODROW WILSON (/PEOPLE/PRESIDENT/WOODROW-WILSON)

Executive Order 2505—Relating to Indians on Public Domain

January 03, 1917

It is hereby ordered, under authority found in the act of June twenty-one, nineteen hundred and six (Thirty-fourth Statutes at Large, pages three hundred and twenty-five and three hundred and twenty-six), that the trust or other period of restriction against alienation contained in any patent issued to any Indian for any lands on the public domain be, and the same is hereby, extended for a further period of one year in all cases where such trust or other restrictive period against alienation would otherwise expire during the calendar year nineteen hundred and seventeen, excepting only in the following specific instances:

Indian homesteader. Series.

Whappitoe Joe No. 386, Seattle, Washington.

Sampson Grant No. 395, Redding, California.

Henry Wool No. 433, Redding, California.

The American Presidency Project

(https://www.presidency.ucsb.edu/)

WOODROW WILSON (/PEOPLE/PRESIDENT/WOODROW-WILSON)

Executive Order 2778— Relating to Indians on Public Domain

December 31, 1917

It is hereby ordered, under authority found in the act of June twenty-first, nineteen hundred and six (Thirty-fourth Statutes at Large, pages three hundred and twenty-five and three hundred and twenty-six), that the trust or other period of restriction against alienation contained in any patent issued to any Indian for any lands on the public domain be, and the same is hereby, extended for a further period of one year in all cases where such trust or other restrictive period against alienation would otherwise expire during the calendar year nineteen hundred and eighteen, excepting only in the following specific instances:

Name of patentee. Number. Land office.

Julia Blake 21 Missoula, Montana.

John Blake 22 Do.

Annie Blake 23 Do.

Eddie Blake 24 Do.

The American Presidency Project

(https://www.presidency.ucsb.edu/)

WOODROW WILSON (/PEOPLE/PRESIDENT/WOODROW-WILSON)

Executive Order 3024— Indians on Public Domain

January 11, 1919

It is hereby ordered, under authority found in the act of June twenty-first, nineteen hundred and six (thirty-fourth Statutes at Large, pages three hundred and twenty-five and three hundred and twenty-six), that the trust or other period of restriction against alienation contained in any patent issued to any Indian for any lands on the public domain be, and the same is hereby, extended for a further period of one year in all cases where such trust or other restrictive period against alienation would otherwise expire during the calendar year nineteen hundred and nineteen, excepting only in the following specific instances:

Name of patentee. Number. Land office.

Frank Belanger 21 Ashland, Wis.

John Carroll 38 Do.

John Fry 7 Coeur d'Alene, Idaho.

Queen Billy 38 Susanville, Cal.

Charles Jackson Homestead No. 554. Seattle, Wash.

WOODROW WILSON
The White House,
January 11, 1919

Woodrow Wilson, Executive Order 3024—Indians on Public Domain Online by Gerhard Peters and John T. Woolley, The American Presidency Project https://www.presidency.ucsb.edu/node/276588

The American Presidency Project

(https://www.presidency.ucsb.edu/)

WOODROW WILSON (/PEOPLE/PRESIDENT/WOODROW-WILSON)

Executive Order 3204—Indians on Public Domain

December 23, 1919

It is hereby ordered, under authority found in the act of June twenty-first, nineteen hundred and six (Thirty-fourth Statutes at Large, pages three hundred and twenty-five and three hundred and twenty-six), that the trust or other period of restriction against alienation contained in any patent issued to any Indian for any lands on the public domain be, and the same is hereby, extended for a further period of one year in all cases where such trust or other restrictive period against alienation would otherwise expire during the calendar year nineteen hundred and twenty.

WOODROW WILSON
The White House,
December 23, 1919

Woodrow Wilson, Executive Order 3204—Indians on Public Domain Online by Gerhard Peters and John T. Woolley, The American Presidency Project https://www.presidency.ucsb.edu/node/276586

The American Presidency Project

(https://www.presidency.ucsb.edu/)

WOODROW WILSON (/PEOPLE/PRESIDENT/WOODROW-WILSON)

Executive Order 3365— Indians on Public Domain

December 07, 1920

It is hereby ordered, under authority found in the act of June twenty-first, nineteen hundred and six (Thirty-fourth Statutes at Large, pages three hundred and twenty-five and three hundred and twenty-six), that the trust or other period of restriction against alienation contained in any patent heretofore issued to any Indian for any lands on the public domain be, and the same is hereby, extended for a further period of twenty-five years from the date on which any such trust would otherwise expire.

WOODROW WILSON
The White House,
December 7, 1920

Woodrow Wilson, Executive Order 3365—Indians on Public Domain Online by Gerhard Peters and John T. Woolley, The American Presidency Project https://www.presidency.ucsb.edu/node/276580

Documents:

THE INDIAN REORGANIZATION ACT OF 1934

Wheeler-Howard Act, June 18, 1934
(The Indian Reorganization Act)

--An Act to conserve and develop Indian lands and resources; to extend to Indians the right to form bussiness and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes.

BE IT ENACTED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That hereafter no land of any Indian reservation, created or set apart by treaty or agreement with the Indians, Act of Congress, Executive order, purchase, or otherwise, shall be allotted in severalty to any Indian.

Sec. 2. The existing periods of trust placed upon any Indian lands and any restriction on alienation thereof are hereby extended and continued until otherwise directed by Congress.

Sec. 3. The Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public land laws of the United States; Provided, however, That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act: Provided further, That this section shall not apply to lands within any reclamation project heretofore authorized in any Indian reservation:*Provided further*, That this section shall not apply to lands within any reclamation project heretofore authorized in any Indian reservation: *Provided further*, That the order of the Department of the interior signed, dated, and approved by Honorable Ray Lyman Wilbur, as Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands of the Papago Indian Reservation in Arizona from all forms of mineral entry or claim under the public land mining laws is hereby revoked and rescinded, and the lands of the said Papago Indian Reservation are hereby restored to exploration and location, under the existing mining laws of the United States, in accordance with the express terms and provisions declared and set forth in the Executive orders establishing said Papago Indian Reservation: *Provided further*, That the damages shall be paid to the Papago Tribe for loss of any improvements of any land located for mining in such a sum as may be determined by the Secretary of the Interior but not exceed the cost of said improvements: *Provided further*, That a yearly rental not to exceed five cents per acre shall be paid to the Papago Indian Tribe: *Provided further*, That in the event that any person or persons, partnership, corporation, or association, desires a mineral patent, according to the mining laws of the United States, he or they shall first deposit in the treasury of the United States to the credit of the Papago Tribe the sum of $1.00 per acre in lieu of annual rental, as

hereinbefore provided, to compensate for the loss or occupancy of the lands withdrawn by the requirements of mining operations: *Provided further*, That patentee shall also pay into the Treasury of the United States to the credit of the Papago Tribe damages for the loss of improvements not heretofore said in such a sum as may be determined by the Secretary of the Interior, but not to exceed the cost thereof; the payment of $1.00 per acre for surface use to be refunded to patentee in the event that the patent is not required.

Nothing herein contained shall restrict the granting or use of permits for easements or rights-of-way; or ingress or egress over the lands for all proper and lawful purposes; and nothing contained therein, except as expressly provided, shall be construed as authority by the Secretary of the Interior, or any other person, to issue or promulgate a rule or regulation in conflict with the Executive order of February 1, 1917, creating the Papago Indian Reservation in Arizona or the Act of February 21, 1931 (46 Stat. 1202).

Sec. 4. Except as herein provided, no sale, devise, gift, exchange or other transfer of restricted Indian lands or of shares in the assets of any Indian tribe or corporation organized hereunder, shall be made or approved: *Provided, however*, That such lands or interests may, with the approval of the Secretary of the Interior, be sold, devised, or otherwise transferred to the Indian tribe in which the lands or shares are located or from which the shares were derived or to a successor corporation; and in all instances such lands or interests shall descend or be devised, in accordance with the then existing laws of the State, or Federal laws where applicable, in which said lands are located or in which the subject matter of the corporation is located, to any member of such tribe or of such corporation or any heirs of such member: *Provided further*, That the Secretary of the Interior may authorize voluntary exchanges of lands of equal value and the voluntary exchange of shares of equal value whenever such exchange, in his judgement, is expedient and beneficial for or compatible with the proper consolidation of Indian lands and for the benefit of cooperative organizations.

Sec. 5. The Secretary of the Interior is hereby authorized, in his discretion, to acquire through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments whether the allottee be living or deceased, for the purpose of providing lands for Indians.

For the acquisition of such lands, interests in lands, water rights, and surface rights, and for expenses incident to such acquisition, there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, a sum not to exceed $2,000,000 in any one fiscal year: *Provided*, That no part of such funds shall be used to acquire additional land outside of the exterior boundaries of Navajo

Indian Reservation for the Navajo Indians in Arizona and New Mexico, in the event that the proposed Navajo boundary extension measures how pending in congress and embodied in the bills (S. 2531 and H.R. 8927) to define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purposes, and the bills (S. 2531 and H.R. 8982) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico and for other purposes, or similar legislation, become law.

The unexpended balances of any appropriations made pursuant to this section shall remain available until expended.

Title to any lands or rights acquired pursuant to this Act shall be taken in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired, and such lands or rights shall be exempt from State and local taxation.

Sec. 6. The Secretary of the Interior is directed to make rules and regulations for the operation and management of Indian forestry units on the principle of sustained-yield management, to restrict the number of livestock grazed on Indian range units to the estimated carrying capacity of such ranges, and to promulgate such other rules and regulations as may be necessary to protect the range from deterioration, to prevent soil erosion, to assure full utilization of the range, and like purposes.

Sec. 7. The Secretary of the Interior is hereby authorized to proclaim new Indian reservations on lands acquired pursuant to any authority conferred by this Act, or to add such lands to existing reservations: *Provided*, That lands added to existing reservations shall be designated for the exclusive use of Indians entitled by enrollment or by tribal membership to residence at such reservations shall be designated for the exclusive use of Indians entitled by enrollment or by tribal membership to residence at such reservations.

Sec. 8. Nothing contained in this Act shall be construed to relate to Indian holdings of allotments or homesteads upon the public domain outside of the geographic boundaries of any Indian reservation now existing or established hereafter.

Sec. 9. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary, but not to exceed $250,000 in any fiscal year, to be expended at the order of the Secretary of the Interior, in defraying the expenses of organizing Indian chartered corporations or other organizations created under this Act.

Sec. 10. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $10,000,000 to be established as a

revolving fund from which the Secretary of the Interior, under such rules and regulations as he may prescribe, may make loans to Indian chartered corporations for the purpose of promoting the economic development of such tribes and of their members, and may defray the expenses of administering such loans. Repayment of amounts loaned under this authorization shall be credited to the revolving fund and shall be available for the purposes for which the fund is established. A report shall be made annually to Congress of transactions under this authorization.

Sec. 11. There is hereby authorized to be appropriated, out of any funds in the United States Treasury not otherwise appropriated, a sum not to exceed $250,000 annually, together with any unexpended balances of previous appropriations made pursuant to this section, for loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools: *Provided*, That not more than $50,000 of such sum shall be available for loans to Indian students in high schools and colleges. Such loans shall be reimbursable under rules established by the Commissioner of Indian Affairs.

Sec. 12. The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability for Indians who maybe appointed, without regard to civil-service laws, to the various positions maintained, now or hereafter, by the Indian office, in the administrations functions or services affecting any Indian tribe. Such qualified Indians shall hereafter have the preference to appointment to vacancies in any such positions.

Sec. 13. The provisions of this Act shall not apply to any of the Territories, colonies, or insular possessions of the United States, except that sections 9, 10, 11, 12, and 16 shall apply to the Territory of Alaska: *Provided*, That Sections 2, 4, 7, 16, 17, and 18 of this Act shall not apply to the following named Indian tribes, together with members of other tribes affiliated with such named located in the State of Oklahoma, as follows: Cheyenne, Arapaho, Apache, Comanche, Kiowa, Caddo, Delaware, Wichita, Osage, Kaw, Otoe, Tonkawa, Pawnee, Ponca, Shawnee, Ottawa, Quapaw, Seneca, Wyandotte, Iowa, Sac and Fox, Kickapoo, Pottawatomi, Cherokee, Chickasaw, Choctaw, Creek, and Seminole. Section 4 of this Act shall not apply to the indians of the Klamath Reservation in Oregon.

Sec. 14. The Secretary of the Interior is hereby directed to continue the allowance of the articles enumerated in section 17 of the Act of March 2, 1889 (25 Stat.L. 891), or their commuted cash value under the Act of June 10, 1886 (29 Stat.L. 334), to all Sioux Indians who would be eligible, but for the provisions of this Act, to receive allotments of lands in severalty under section 19 of the Act of May 29, 1908 (25 (35) Stat.L. 451), or under any prior Act, and who have the prescribed status of the head of a family or single person over the age of eighteen years, and his approval shall be final and conclusive, claims therefor to be paid as formerly from the permanent

appropriation made by said section 17 and carried on the books of the Treasury for this purpose. No person shall receive in his own right more than one allowance of the benefits, and application must be made and approved during the lifetime of the allotee or the right shall lapse. Such benefits shall continue to be paid upon such reservation until such time as the lands available therein for allotment at the time of the passage of this Act would have been exhausted by the award to each person receiving such benefits of an allotment of eighty acres of such land.

Sec. 15. Nothing in this Act shall be construed to impair or prejudice any claim or suit of any Indian tribe against the United States. It is hereby declared to be the intent of Congress that no expenditures for the benefit of Indians made out of appropriations authorized by this Act shall be considered as offsets in any suit brought to recover upon any claim of such Indians against the United States.

Sec. 16. Any Indian tribe, or tribes, residing on the same reservation, shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, which shall become effective when ratified by a majority vote of the adult members of the tribe, or of the adult Indians residing on such reservation, as the case may be, at a special election authorized by the Secretary of the Interior under such rules and regulations as he may prescribe. Such constitution and bylaws when ratified as aforesaid and approved by the Secretary of the Interior shall be revocable by an election open to the same voters and conducted in the same manner as hereinabove provided. Amendments to the constitution and bylaws may be ratified and approved by the Secretary in the same manner as the original constitution and bylaws.

In addition to all powers vested in any Indian tribe or tribal council by existing law, the constitution adopted by said tribe shall also vest in such tribe or its tribal council the following rights and powers: To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior; to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe; and to negotiate with the Federal, State, and local Governments. The Secretary of the Interior shall advise such tribe or its tribal council of all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and the Congress.

Sec. 17. The Secretary of the Interior may, upon petition by at least one-third of the adult Indians, issue a charter of incorporation to such tribe: *Provided*, That such charter shall not become operative until ratified at a special election by a majority vote of the adult Indians living on the reservation. Such charter may convey to the incorporated tribe the power to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and

personal, including the power to purchase restricted Indian lands and to issue in exchange therefor interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, not inconsistent with law, but no authority shall be granted to sell, mortgage, or lease for a period exceeding ten years any of the land included in the limits of the reservation. Any charter so issued shall not be revoked or surrendered except by Act of Congress.

Sec. 18. This Act shall not apply to any reservation wherein a majority of the adult Indians, voting at a special election duly called by the Secretary of the Interior, shall vote against it application. It shall be the duty of the Secretary of the Interior, within one year after the passage and approval of this Act, to call such an election, which election shall be held by secret ballot upon thirty days' notice.

Sec. 19. The term "Indian" as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all person who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any reservation, and shall further include all other persons of one-half or more Indian blood. For the purposes of this Act, Eskimos and other aboriginal peoples of Alaska shall be considered Indians. The term "tribe" wherever used in this Act shall be construed to refer to any Indian tribe, organized band, pueblo, or the Indians residing on one reservation. The words "adult Indians" wherever used in this Act shall be construed to refer to Indians who have attained the age of twenty-one years.

Chapter 260
June 15, 1935. | [H. R. 7781.] 49 Stat., 378.

An Act To define the election procedure under the Act of June 18, 1934, and for other purposes[1]
Section 2 | 3 | 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any election heretofore or hereafter held under the Act of June 18, 1934 (48 Stat. 984), on the question of excluding a reservation, from the application of the said Act or on the question of adopting a constitution and bylaws or amendments thereto or on the question of ratifying a charter, the vote of a majority of those actually voting shall be necessary and sufficient to effectuate such exclusion, adoption, or ratification, as the case may be: *Provided, however,* That in each instance the total vote cast shall not be less than 30 per centum of those entitled to vote.

SEC. 2.

The time for holding elections on the question of excluding a reservation from the application of said Act of June 18, 1934, is hereby extended to June 18, 1936.

SEC. 3.

If the period of trust or of restriction on any Indian land has not, before the passage of this Act, been extended to a date subsequent to December 31, 1936, and if the reservation containing such lands has voted or shall vote to exclude itself from the application of the Act of June 18, 1934, the periods of trust or the restrictions on alienation of such lands are hereby extended to December 31, 1936.

SEC. 4.

All laws, general and special, and all treaty provisions affecting any Indian reservation which has voted or may vote to exclude itself from the application of the Act of June 18, 1934 (48 Stat. 984), shall be deemed to have been continuously effective as to such reservation, notwithstanding the passage of said Act of June 18, 1934. Nothing in the Act of June 18, 1934, shall be construed to abrogate or impair any rights guaranteed under any existing treaty with any Indian tribe, where such tribe voted not to exclude itself from the application of said Act.

Approved, June 15, 1935.

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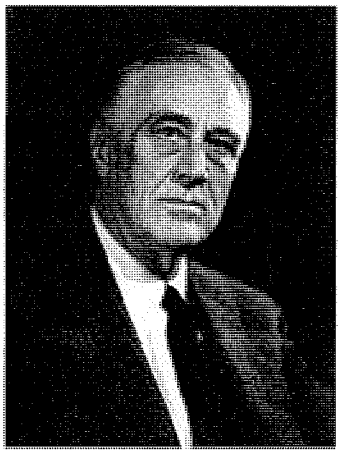

FRANKLIN D. ROOSEVELT (/PEOPLE/PRESIDENT/FRANKLIN-D-ROOSEVELT)

Executive Order 7464— Extending Certain Periods of Trust on Indian Lands

September 30, 1936

By virtue of and pursuant to the authority vested in me by section 5 of the act of February 8, 1887, ch. 119, 24 Stat. 388, 389, by the act of June 21, 1906, ch. 3504, 34 Stat. 325, 326, and by the act of March 2, 1917, ch. 146, 39 Stat. 969, 976, it is ordered that the periods of trust applying to any Indian lands, whether of a tribal or individual status, which, unless extended, will expire December 31, 1936, or during the calendar year 1937, be, and they are hereby, extended in each case for a further period of 25 years from the date on which any such trust would otherwise expire.

This order is not intended to apply to any case in which Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

FRANKLIN D ROOSEVELT

Documents:

Ten Years of Tribal Government Under I.R.A. (1947)

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1947

TRIBAL RELATIONS
PAMPHLETS—1

Ten Years of Tribal Government Under I. R. A.

By THEODORE H. HAAS, Chief Counsel
United States Indian Service

UNITED STATES INDIAN SERVICE
1947

ACTION BY TRIBES ON INDIAN REORGANIZATION ACT

(Those listed in black face type accepted the act)

STATE / RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
ARIZONA					
Colorado River Agency:					
Colorado River	705	365	119	8	Dec. 15, 1934
Fort Mojave	432	265	102	8	Dec. 15
Cocopah	32	18	4	0	Nov. 17
Fort Apache Agency:					
Fort Apache	2,718	1,340	726	21	April 27, 1935
Papago Agency:					
Gila Bend	228	120	18	0	Dec. 15
Papago	5,146	3,028	1,267	166	Dec. 15
San Xavier	525	283	158	22	Dec. 15
Pima Agency:					
Fort McDowell	205	111	65	7	Oct. 27, 1934
Gila River	4,659	2,308	1,188	116	Dec. 15
Salt River	1,049	592	194	66	Dec. 15
Ak Chin	179	87	53	15	Dec. 15
San Carlos Agency:					
San Carlos	2,843	1,473	504	22	Oct. 27
Hopi Agency:					
Hopi	2,538		519	299	June 15, 1935
Truxton Canon Agency:					
Havasupai	201	106	72	3	June 15
Hualapai	451	256	37	22	June 15
Camp Verde (Yavapai Apache)	451	259	112	20	Dec. 15, 1934
Navajo Agency (Arizona, New Mexico)	43,135	15,900	7,608	7,992	June 14-15
CALIFORNIA					
Colorado River Agency:					
Fort Yuma (Quechan)	819	402	192	32	Nov. 17, 1934
Hoopa Valley Agency:					
Hoopa Valley Reservation	554	240	8	174	Dec. 15
Klamath River	925	375	38	256	Dec. 15
***Quartz Valley**	411				
Rancherias:					
Smith River		41	1	31	June 14, 1935
Crescent City		8	6	0	June 14
Hohnerville		9	1	5	June 14
Table Bluff		26	0	10	June 14
Trinidad		4	4	0	June 14
****Blue Lake**	No Votes				June 14
Mission Agency:					
Augustine	14	13	0	6	Dec. 18, 1934
Cabezon	29	17	0	7	Dec. 18
Cahuilla	107	69	3	33	Dec. 18
Campo	135	73	7	18	Dec. 18
Capitan Grande (including Barona)	160	87	37	35	Dec. 18
****Cuyapaipe**	No Votes				Dec. 18
Inaja	33	22	0	15	Dec. 18
Laguna	3	1	1	0	Dec. 18
LaJolla	221	145	28	68	Dec. 18
La Posta	3	3	2	0	Dec. 18
Los Coyotes	88	52	3	37	Dec. 18, 1934
Manzanita	67	36	3	0	Dec. 18
Mesa Grande	218	119	9	64	Dec. 18
Pala	205	121	7	66	Dec. 18

*Indians residing on lands purchased from I.R.A. funds. Group is organized under the I.R.A.
**Act applies since Indians did not vote against its application.
***Act applies since less than 30 percent of eligible voters participated in the election.

Moses Band did not vote, Apparently (and sensibly) were not asked to vote, 1934 Act, Section 18, says a "No" vote rejects the Act.

Did not vote, refusal to hold election, and less than 30% eligible voters participating = Act applies.

Act applies * Four reservations residing on IRA-purchased land.

Act applies ** Three reservations held "No Votes"
Six reservations had "No Residents"
One reservation "Indians refused to Hold Election"

Act applies *** One reservation failed to meet 30% threshold of eligible voters to validate the election. This equated to no election and the Act applied.

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
	Mission Creek	20	10	0	3	Dec. 18
	Morongo	292	173	25	79	Dec. 15
	Palm Springs	50	31	4	16	Dec. 15
	Pauma	69	37	0	23	Dec. 15
	Pechanga	216	156	14	48	Dec. 15
	Rincon	181	114	22	58	Dec. 15
	San Manuel	40	25	2	10	Dec. 15
	San Pascual	9	3	2	1	Dec. 15
	Santa Rosa	50	32	3	13	Dec. 15
	Santa Ynez	90	48	20	0	Dec. 15
	Santa Ysabel	237	122	14	47	Dec. 15
	Sobaba	122	76	6	57	Dec. 15
	Sycuan	35	23	6	16	Dec. 15
	Torres Martinez	198	117	11	66	Dec. 15
	Sacramento Agency:					
	Alexander Valley		14	14	0	June 11, 1935
	Alturas		13	6	5	June 8
	Auburn		36	5	16	June 14
	Berry Creek		49	0	26	June 12
	**Big Bend	No Votes				
	Big Sandy		38	1	25	June 8
	Big Valley		46	21	4	June 8
	Cache Creek		15	7	3	June 8
	Buena Vista		4	2	0	June 12
	**Cedarville	No Residents				
	Cloverdale		20	10	0	June 11
	Cold Springs		47	0	23	June 8
	**Colfax	No Residents				
	Colusa		36	25	1	June 12
	Cortina		20	12	0	June 12
	Coyote Valley		8	0	1	June 10-30
	Dry Creek		49	8	17	June 10-30
	East Lake (Robinson)		46	19	13	June 8
	Enterprise		29	7	17	June 12
	Fort Bidwell		41	27	2	June 8
	Guidaville		25	14	1	June 10
	Grindstone		27	11	0	June 14
	Hopland		56	28	3	June 10
	Jamestown		5	0	5	June 11
	Jackson		3	3	0	June 12
	Laytonville		29	7	11	June 10
	Likely		30	19	1	June 8, 1935
	Lookout		12	6	2	June 8
	**Lytton	No Residents				
	Manchester		46	30	0	June 11
	Middletown		13	10	0	June 8
	**Millarton	No Residents				
	Mooretown		43	0	34	June 12
	Montgomery Creek		7	5	2	June 10
	Nevada City		18	6	2	June 14
	Northfork		6	0	4	June 10
	Paskenta		26	17	0	June 10
	Picayune		11	3	7	June 10
	Pinoleville		51	29	1	June 10
	Pitt River		2	0	2	June 10
	Potter Valley		26	10	3	June 10
	Redding		12	2	4	June 11
	Redwood Valley		18	16	0	June 10
	Ramsay		11	10	0	June 12
	**Santa Rosa	Indians refused to Hold Election				

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
	**Sebastopol	No Residents				
	Scotts Valley		17	0	10	June 8
	Sheep Ranch		1	1	0	June 12
	Sherwood		35	10	12	June 10
	Shingle Springs		3	0	3	June 13
	Stewarts Point		70	51	10	June 11
	Strawberry Valley		10	0	6	June 14, 1935
	Sulphur Banks		20	11	7	
	Susanville		9	6	0	June 12
	Table Mountain		16	2	10	June 8
	**Strathmore	No Residents				
	Taylorville		4	2	0	June 12
	Tuolumne		40	37	0	June 11
	Tule River	186	94	50	2	Nov. 17, 1934
	Upper Lake		36	7	4	
	Wilton	40	14	12	0	June 15, 1935
	Round Valley (Covelo)	827	458	138	36	Nov. 17, 1934
COLORADO						
	Consolidated Ute Agency:					
	Southern Ute	389	129	85	10	June 10, 1935
	Ute Mountain	445	225	9	3	June 12
FLORIDA						
	Seminole Agency:					
	Seminole	580	295	21	0	March 30
IDAHO						
	Northern Idaho Agency:					
	Coeur d' Alene	634	203	76	78	Nov. 17, 1934
	Kalispel	88	38	29	2	Nov. 17
	Nez Perce	1,399	608	214	252	Nov. 17
	Fort Hall Agency:					
	Fort Hall	1,839	971	375	31	Oct. 27
IOWA						
	Tama Agency:					
	Sac & Fox	419	198	63	13	June 15, 1935
KANSAS						
	Potawatomi Agency:					
	Iowa	498	245	115	3	June 15
	Kickapoo	308	151	74	16	June 15
	Sac & Fox	99	49	32	3	June 15
	Potawatomi	955	469	198	122	June 15
LOUISIANA						
	Choctaw Agency:					
	Chitimacha	128	35	25	3	May 14
MINNESOTA						
	Consolidated Chippewa Agency:					
	Fond du Lac	1,298	725	167	28	Nov. 17, 1934
	Grand Portage	377	179	75	4	Oct. 27
	Leech Lake	2,076	961	375	60	Oct. 27
	(Cass Lake & Winnibigoshish, White Oak Point)	8,059	4,169	1,122	245	Oct. 27
	White Earth	627	317	159	7	Oct. 27
	Nett Lake (Boise Fort)					
	Red Lake Agency:					
	Red Lake	1,968	823	418	24	Nov. 17
	Pipestone School	552	271	94	2	Nov. 17
	Lower Sioux	Voted as one group				
	Granite Falls					
	Prairie Island					

STATE	RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
MICHIGAN						
Great Lakes Agency:						
	L'Anse		558	413	8	June 17, 1935
	Bay Mills		95	42	25	June 17, 1935
	Hannahville			47	3	June 17, 1935
	Ontanagon	Voted with L'Anse				
Tomah Agency:						
	Isabelle (Swan Creek-Black River-Saginaw)		424	237	112	June 17
MISSISSIPPI						
Choctaw Agency:						
	Choctaw	1,792	736	218	21	March 30
MONTANA						
Blackfeet Agency:						
	Blackfeet	3,962	1,785	823	171	Oct. 27, 1934
Flathead Agency:						
	Flathead	2,964	1,218	494	166	Dec. 15
Fort Belknap Agency:						
	Fort Belknap	1,367	604	371	50	Oct. 27
Rocky Boy's Agency:						
	Rocky Boy's	676	344	179	7	Oct. 27
Tongue River Agency:						
	Tongue River	1,541	757	418	96	Oct. 27
Crow Agency:						
	Crow	2,082	982	112	689	May 18, 1935
Fort Peck Agency:						
	Fort Peck	2,663	1,027	276	578	Dec. 15, 1934
NEBRASKA						
Winnebago Agency:						
	Omaha	1,642	807	212	17	Oct. 27
	Ponca	392	192	64	4	Nov. 17
	Santee	1,277	627	260	29	Nov. 17
	Winnebago	1,187	583	133	52	Oct. 27
NEVADA						
Carson Agency:						
	*Duckwater (Shoshone)	273	89	73	2	Nov. 17
	Fort McDermitt	549	277	151	54	Dec. 15
	Pyramid Lake	64	14	10	4	May 24, 1935
	Summit Lake	205	95	53	5	June 10
	Reno-Sparks	170	75	58	1	June 10
	Drasslerville	134	45	31	10	June 11
	Lovelock	35	26	15	0	June 11
	Winnemucca	28	14	9	0	June 14
	Battle Mountain	73	40	34	0	June 14
	Elko	64	35	8	6	June 17
	Ely	158	84	42	3	Nov. 17, 1934
	Moapa River	40	22	10	2	May 17, 1935
	Las Vegas Tract	20	11	0	11	June 11
	Big Pine	171	93	1	68	June 11
	Bishop	426	247	39	74	May 17
	Fallon	74	49	4	29	May 24
	Ft. Independence	28	8	8	0	May 14
	Indian Ranch		19	1	12	May 11
	Red Hill	492	301	37	41	Nov. 17, 1934
	***Walker River		14	1	9	June 11, 1935
	West Bishop	72	51	31	3	June 15
	Yerington					
	*Yomba					

25.9% Voted

STATE — RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
Western Shoshone Agency:					
Duck Valley (Shoshone-Paiute)	516	383	191	12	Oct. 27, 1934
Gandy	6	4	4	0	May 5, 1935
Goshute	155	81	21	0	May 14
Skull Valley	41	21	9	5	Nov. 21, 1934
NEW MEXICO					
Mescalero Agency:					
Mescalero	722	367	273	11	Dec. 15
United Pueblos Agency:					
Acoma	1,125	597	283	0	Dec. 15
Cochiti	305	167	121	0	Dec. 15
Isleta	1,103	567	138	7	June 17, 1935
Jemez	677	351	84	178	June 17
Laguna	2,271	1,315	776	66	Oct. 27, 1934
Nambe	128	72	52	1	Dec. 15
Picuris	117	59	51	0	Oct. 27
Pojoaque	9	8	7	0	April 13, 1935
Sandia	129	69	15	0	Dec. 15
San Ildefonso	126	62	57	4	April 13
San Felipe	596	331	224	0	June 17, 1935
San Juan	561	280	243	0	Dec. 15, 1934
Santa Ana	241	148	100	0	June 17
Santa Clara	400	200	134	34	April 13
Santo Domingo	866	476	171	1	June 17
Sia	189	92	82	0	June 17
Taos	745	402	303	36	Oct. 27
Tesuque	123	71	67	0	Dec. 15
Zuni	2,051	1,066	505	40	Nov. 17, 1934
NEW YORK					
New York Agency:					
Allegany		548	37	298	June 10, 1935
Cattaraugus		864	101	475	June 14
Cornplanter (Pennsylvania)			23	17	June 15
Onondaga		350	17	206	June 15
St. Regis		800	46	237	June 8
Tonawanda		338	42	175	June 11
Tuscarora		225	6	132	June 12
NORTH CAROLINA					
Cherokee Agency:					
Qualla Boundary (Eastern Cherokee)	3,254	1,114	700	101	Dec. 20, 1934
NORTH DAKOTA					
Fort Berthold Agency:					
Fort Berthold	1,569	661	477	139	Nov. 17, 1934
Fort Totten Agency:					
Fort Totten	960	521	144	233	Nov. 17
Standing Rock Agency:					
Standing Rock					
(North Dakota)	1,677				
(South Dakota)	2,098	1,559	668	508	Oct. 27
Turtle Mountain Agency:					
Turtle Mountain	6,034	1,181	257	550	June 15, 1935
OREGON					
Klamath Agency:					
Klamath	1,364	666	56	408	June 15
Umatilla Agency:					
Umatilla	1,140	681	155	299	June 15
Grand Ronde-Siletz Agency:					
Grande Ronde	356	213	102	68	April 6
Siletz	465	233	54	123	April 6

STATE / RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
Warm Springs Agency:					
Warm Springs	992	394	260	74	April 6
Burns		67	48	1	April 6
SOUTH CAROLINA					
Cherokee Agency:					
**Catawba					
SOUTH DAKOTA					
Cheyenne River Agency:					
Cheyenne River	3,288	1,420	653	459	Oct. 27, 1934
Crow Creek Agency:					
Crow Creek	953	388	87	246	Dec. 15
Lower Brule	603	160	71	39	Dec. 15
Flandreau School:					
Santee Sioux	345	193	79	5	Oct. 27
Pine Ridge Agency:					
Pine Ridge	8,370	4,075	1,169	1,095	Oct. 27
Rosebud Agency:					
Rosebud	6,362	3,126	843	424	Oct. 27
Yankton	2,018	991	248	171	Oct. 27
Sisseton Agency:					
Sisseton	2,658	1,170	266	335	April 6, 1935
Standing Rock Agency:					
(See North Dakota)					
UTAH					
Uintah & Ouray Agency:					
Cedar City	28	13	2	0	May 14, 1935
Kaibab (in Arizona)	93	51	28	5	Nov. 17, 1934
Kanosh	24	14	11	0	May 7, 1935
Koosharem	30	17	14	0	May 10
Paiute	19	11	7	0	Nov. 24, 1934
Uintah	1,251	634	335	21	Dec. 15
Shivwits	79	40	27	2	Nov. 17
Fort Hall Agency:					
Washakie	137	109	37	26	April 27, 1935
WASHINGTON					
Colville Agency:					
Colville	3,116	1,659	421	562	April 6
Spokane	807	376	92	163	April 6
Taholah Agency:					
Chehalis	132	70	22	26	April 6
Makah	403	219	75	47	April 6
Nisqually	63	40	19	2	Oct. 27, 1934
Ozette	2	2	2	0	April 13, 1935
Quinaielt	1,729	764	184	176	April 13
Hoh	4	4	3	1	April 13
Quileute	242	96	37	15	April 13
Shoalwater		11	3	5	April 13
Skokomish	189	107	35	10	Oct. 27, 1934
Squaxon Island	39	32	10	6	April 6, 1935
Tulalip Agency:					
Lummi	667	287	72	110	March 30
Muckleshoot	200	97	59	7	April 13
*Port Gamble	171	110	30	0	April 6
Port Madison	328	190	34	36	April 13
Puyallup	273	123	122	1	Nov. 17, 1934
Swinomish	663	215	143	68	April 6, 1935
Tulalip					

Chief Moses Band not included under I.R.A.

STATE — RESERVATION	POP.	VOTING POP.	TOTAL YES	VOTES NO	ELECTION DATES
Clallam	738				
Nooksak	235	135	53	13	March 30
Skagit-Suiattle	205	123	74	3	April 6
Yakima Agency:					
Yakima	2,942	1,392	361	773	April 20
WISCONSIN					
Great Lakes Agency:					
Bad River	1,211	697	296	47	Nov. 17, 1934
Lac Courte Oreille	1,559	871	205	175	Dec. 15
Red Cliff	506	360	122	7	Dec. 15
*Sokaogan					
Potawatomi	388	51	31	3	June 15, 1935
*St. Croix					
Lac du Flambeau	853	492	162	57	June 15
Menominee Agency:					
Menominee	2,077	1,020	596	15	Oct. 27, 1934
Tomah Agency:					
Oneida	3,128	1,844	688	126	Dec. 15
Stockbridge	600	226	166	1	Dec. 15
WYOMING					
Wind River Agency:					
Shoshone & Arapahoe	2,196	1,032	339	469	June 15, 1935